



**AGENDA**  
**NEWMAN REDEVELOPMENT SUCCESSOR AGENCY**  
**OVERSIGHT BOARD**  
**REGULAR MEETING DECEMBER 13, 2012**  
**CITY COUNCIL CHAMBERS, 3:30 P.M., 938 FRESNO STREET**

1. Call To Order.
2. Roll Call.
3. Items from the Public - Non-Agenda Items.
4. Approval Of Minutes From The November 8, 2012 Meeting.
5. Regular Business
  - a. Adopt Resolution No. 2012- , A Resolution Of The Newman Redevelopment Successor Agency Oversight Board, Accepting The Due Diligence Audit Of RDA Funds "Other" Than Low And Moderate Income Housing Fund.
6. Items From Board Members.
7. Items From The City Manager And Staff.
8. Adjournment.



**MINUTES**  
**NEWMAN REDEVELOPMENT SUCCESSOR AGENCY**  
**OVERSIGHT BOARD**  
**REGULAR MEETING NOVEMBER 8, 2012**  
**CITY COUNCIL CHAMBERS, 3:30 P.M., 938 FRESNO STREET**

1. **Call To Order** - Chairperson Hutchins 3:31 P.M.
2. **Roll Call - PRESENT:** Board Members - Jim DeMartini, Anne DeMartini, Felt, Hunewill, Lucas  
And Hutchins.  
**ABSENT:** Ocasio.
3. **Items from the Public - Non-Agenda Items** - None.
4. **Approval Of Minutes From The October 15, 2012 Meeting.**

**ACTION:** On Motion By Lucas Seconded By Felt, The Minutes From The October 15, 2012 Meeting Were Approved By The Following Vote: **AYES:** Jim DeMartini, Anne DeMartini, Felt, Lucas, And Hutchins; **NOES:** None; **ABSENT:** Ocasio; **NOT PARTICIPATING:** Hunewill.

5. **Regular Business**

- a. Conduct Public Comment Session Regarding Audit Of RDA Funds "Other" Than Low And Moderate Income Housing Funds.

Chairperson Hutchins Opened The Public Comment Session At 3:38 P.M.

There Being No Public Comment, Chairperson Hutchins Closed The Public Comment Session At 3:39 P.M.

**ACTION:** No Action Was Required Or Taken.

6. **Items From Board Members.** - None.
7. **Items From The City Manager And Staff.**
8. **Adjournment.**

**ACTION:** On Motion By Lucas Seconded By Anne DeMartini And Unanimously Carried, The Meeting Was Adjourned At 3:45 P.M.

Honorable Chairman and Members of the  
Newman Redevelopment Successor Agency  
Oversight Board

**ADOPT RESOLUTION ACCEPTING THE DUE DILIGENCE AUDIT OF THE  
RDA FUNDS "OTHER" THAN LOW AND MODERATE INCOME HOUSING FUND**

**RECOMMENDATION:**

It is recommended that the Newman Redevelopment Successor Agency Oversight Board adopt Resolution 2012- accepting the due diligence review of the RDA funds "other" than Low and Moderate Income Housing Fund and direct staff to forward the resolution, results of the audit, and public comment session to the County Auditor-Controller, the Department of Finance, and the State Controller's Office.

**BACKGROUND:**

Per Health & Safety Code (H&SC) Section 34179.6(a) each Successor Agency is to provide to the Oversight Board, the County Auditor-Controller, the Department of Finance, and the State Controller's Office the results of a review (audit) conducted of the other than Low and Moderate Income Housing Fund to determine the amount of cash and cash equivalent determined to be available for allocation to taxing entities. This audit was conducted and the results distributed prior to the December 15, 2012 deadline.

**ANALYSIS:**

The due diligence audit of our other than Low to Moderate Income Housing Fund was conducted by Clendenin Bird & Company, PC. who was approved by the County Auditor-Controller, and is licensed with experience and expertise in local government accounting per H&SC Section 34179.5(a). A copy of the final audit was distributed to the Department of Finance, the State Controller's Office, the County Auditor-Controller and all Oversight Board members per H&SC 34179.6(a) prior to the December 15, 2012 deadline.

On November 8, 2012, a Public Comment session regarding the audit per Health & Safety Code Section 34179.6(b) was conducted in the presence of our Oversight Board. There were no comments from the public.

**FISCAL IMPACT:**

The Other than Low to Moderate Income housing fund has no funds to forward to the County for allocation to taxing entities. The audit bears this out.

**CONCLUSION:**

Staff recommends the Board approve Resolution No. 2012- accepting the audit and authorizing staff to forward the audit to the County Auditor-Controller, the Department of Finance and the State Controller's office.

**ATTACHMENTS:**

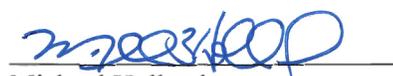
1. Resolution No. 2012-
2. Exhibit A: Due Diligence Audit of the other than Low to Moderate Income Housing Fund.

Respectfully submitted:



Lewis Humphries  
Finance Director

**REVIEWED/CONCUR:**



Michael Holland  
City Manager

**RESOLUTION NO. 2012-**

**A RESOLUTION OF THE NEWMAN REDEVELOPMENT SUCCESSOR AGENCY  
OVERSIGHT BOARD ACCEPTING THE RESULTS OF THE DUE DILIGENCE AUDIT OF  
THE RDA FUNDS "OTHER" THAN LOW TO MODERATE INCOME HOUSING FUND**

WHEREAS, per Health & Safety Code (H&SC) Section 34179.6(a) each Successor Agency is to provide, by December 15, 2012, to the Oversight Board, the County Auditor-Controller, the Department of Finance, and the State Controller's Office the results of a review (audit) conducted of the other than Low and Moderate Income Housing Fund to determine the amount of cash and cash equivalent determined to be available for allocation to taxing entities, and

WHEREAS, the due diligence audit of our other than Low to Moderate Income Housing Fund was conducted by Clendenin Bird & Company, PC. Who was approved by the County Auditor-Controller, and is licensed with experience and expertise in local government accounting per H&SC Section 34179.5(a), and

WHEREAS, a copy of the final audit was distributed to the Department of Finance, the State Controller's Office, the County Auditor-Controller and all Oversight Board members per H&SC 34179.6(a), prior to the December 15, 2012 deadline, and

WHEREAS, a Public Comment session per Health & Safety Code Section 34179.6(b) was conducted in the presence of our Oversight Board on November 8<sup>th</sup>, more than 5 days in advance of this Oversight Board meeting; with no comments received from the public;

NOW, THEREFORE, BE IT RESOLVED that the Newman Redevelopment Successor Agency Oversight Board accepts the results of the audit and authorizes staff to forward this Resolution and the results of the audit to the County Auditor-Controller, the Department of Finance and the State Controller's Office.

The foregoing resolution was introduced at a regular meeting of the Newman Redevelopment Successor Agency Oversight Board meeting held on the 13th day of December, 2012 by Board Member \_\_\_\_\_, who moved its adoption, which motion was duly seconded and it was upon roll call carried and the resolution adopted by the following roll call vote:

AYES:  
NOES:  
ABSENT:

APPROVED:

\_\_\_\_\_  
Chairman of the Newman Redevelopment  
Successor Agency Oversight Board

ATTEST:

\_\_\_\_\_  
Secretary of the Newman Redevelopment  
Successor Agency Oversight Board

## INDEPENDENT ACCOUNTANTS' REPORT ON APPLYING AGREED-UPON PROCEDURES

Oversight Board of the Newman  
Redevelopment Successor Agency  
Newman, California

We have performed the Agreed-Upon Procedures enumerated in Exhibit A, which were agreed to by the California State Controller's Office, the California Department of Finance, the County Auditor-Controller, and the Newman Redevelopment Successor Agency (Successor Agency) to determine the Successor Agency Fund's unobligated balances that are available for transfer to taxing entities, solely to assist you in ensuring that the Successor Agency is complying with its statutory requirements with respect to *Health and Safety Code* Section 34179.5. Management of the Successor Agency is responsible for the accounting records pertaining to statutory compliance pursuant to *Health and Safety Code* Section 34179.5. This Agreed-Upon Procedures engagement was conducted in accordance with attestation standards established by the American Institute of Certified Public Accountants. The sufficiency of these procedures is solely the responsibility of those parties specified in the report. Consequently, we make no representation regarding the sufficiency of the procedures described below either for the purpose for which this report has been requested or for any other purpose.

The scope of this engagement was limited to performing the required agreed-upon procedures as set forth in Exhibit A. The results of the procedures performed are also listed under each related testing step in Exhibit A, and Exhibits B through H represents required attachments applicable to this engagement.

We were not engaged to and did not conduct an audit, the objective of which would be the expression of an opinion as to the appropriateness of the results summarized in Exhibit A and Exhibits B through H. Accordingly, we do not express such an opinion. Had we performed additional procedures, other matters might have come to our attention that would have been reported to you.

This report is intended solely for the information and use of the Successor Agency Oversight Board, the California State Controller's Office, the California Department of Finance, and the County Auditor-Controller, and is not intended to be and should not be used by anyone other than these specified parties. This restriction is not intended to limit distribution of this report, which is a matter of public record.

*Clendenin Bird & Company, P.C.*  
Modesto, California  
November 2, 2012

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Our findings and procedures are as follows:

**Citation:**

*34179.5(c)(1) The dollar value of assets transferred from the former redevelopment agency to the successor agency on or about February 1, 2012.*

**Procedure:**

1. Obtain from the Successor Agency a listing of all assets that were transferred from the former redevelopment agency to the Successor Agency on February 1, 2012. Agree the amounts on this listing to account balances established in the accounting records of the Successor Agency. Identify in the Agreed-Upon Procedures (AUP) report the amount of the assets transferred to the Successor Agency as of that date.

**Findings** – We obtained from the Successor Agency a listing of all assets that were transferred from the former redevelopment agency (RDA) to the Successor Agency on February 1, 2012. We agreed the amounts on this listing to account balances established in the accounting records of the Successor Agency. We noted the total balance of all assets that were transferred to the Successor Agency on February 1, 2012 was \$2,341,267, and consisted of restricted cash, accounts receivable, notes receivable and fixed assets.

We noted the housing activities and assets (assets and functions, rights, powers, duties, and obligations) of the former RDA were transferred to the City of Newman on January 24, 2012. We obtained Resolution No. 2012-10 authorizing the City to maintain the housing assets and functions of the former RDA.

**Citation:**

*34179.5(c)(2) The dollar value of assets and cash and cash equivalents transferred after January 1, 2011, through June 30, 2012, by the redevelopment agency or the successor agency to the city, county, or city and county that formed the redevelopment agency and the purpose of each transfer. The review shall provide documentation of any enforceable obligation that required the transfer.*

**Procedure(s):**

2. If the State Controller's Office has completed its review of transfers required under both Sections 34167.5 and 34178.8 and issued its report regarding such review, attach a copy of that report as an exhibit to the AUP report. If this has not yet occurred, perform the following procedures:

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- A. Obtain a listing prepared by the Successor Agency of transfers (excluding payments for goods and services) from the former redevelopment agency to the city, county, or city and county that formed the redevelopment agency for the period from January 1, 2011 through January 31, 2012. For each transfer, the Successor Agency should describe the purpose of the transfer and describe in what sense the transfer was required by one of the Agency's enforceable obligations or other legal requirements. Provide this listing as an attachment to the AUP report.
- B. Obtain a listing prepared by the Successor Agency of transfers (excluding payments for goods and services) from the Successor Agency to the city, county, or city and county that formed the redevelopment agency for the period from February 1, 2012 through June 30, 2012. For each transfer, the Successor Agency should describe the purpose of the transfer and describe in what sense the transfer was required by one of the Agency's enforceable obligations or other legal requirements. Provide this listing as an attachment to the AUP report.
- C. For each transfer, obtain the legal document that formed the basis for the enforceable obligation that required any transfer. Note in the AUP report the absence of any such legal document or the absence of language in the document that required the transfer.

**Finding** – The City asserted the State Controller's Office has not completed a review of transfers required under both Health and Safety Code (HSC) Sections 34167.5 and 34178.8. The Successor Agency asserts one transfer was made from the former RDA or the Successor Agency to the city for the period from January 1, 2011 through January 31, 2012 for \$150,000 for improvements to the Plaza Project.

On February 1, 2012, the former RDA transferred the Redevelopment Agency Fund assets to City of Newman in accordance with HSC Section 34176(a).

A listing of the transfers for the periods January 1, 2011 through January 31, 2012, and February 1, 2012 and June 30, 2012 are included as *Exhibit B* of the AUP report. We noted the assets transferred to the City included restricted cash, accounts receivable, note receivables, and fixed assets.

**Citation:**

*34179.5(c)(3) The dollar value of any cash or cash equivalents transferred after January 1, 2011, through June 30, 2012, by the redevelopment agency or the successor agency to any other public agency or private party and the purpose of each transfer. The review shall provide documentation of any enforceable obligation that required the transfer.*

**Procedure(s):**

3. If the State Controller's Office has completed its review of transfers required under both Sections 34167.5 and 34178.8 and issued its report regarding such review, attach a copy

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of that report as an exhibit to the AUP report. If this has not yet occurred, perform the following procedures:

- A. Obtain a listing prepared by the Successor Agency of transfers (excluding payments for goods and services) from the former redevelopment agency to any other public agency or to private parties for the period from January 1, 2011 through January 31, 2012. For each transfer, the Successor Agency should describe the purpose of the transfer and describe in what sense the transfer was required by one of the Agency's enforceable obligations or other legal requirements. Provide this listing as an attachment to the AUP report.
- B. Obtain a listing prepared by the Successor Agency of transfers (excluding payments for goods and services) from the Successor Agency to any other public agency or private parties for the period from February 1, 2012 through June 30, 2012. For each transfer, the Successor Agency should describe the purpose of the transfer and describe in what sense the transfer was required by one of the Agency's enforceable obligations or other legal requirements. Provide this listing as an attachment to the AUP report.
- C. For each transfer, obtain the legal document that formed the basis for the enforceable obligation that required any transfer. Note in the AUP report the absence of any such legal document or the absence of language in the document that required the transfer.

**Finding** – The City asserted the State Controller's Office has not completed a review of transfers required under both HSC Sections 34167.5 and 34178.8. The Successor Agency also asserts no transfers were made from the former RDA or the Successor Agency to any other public agency or to private parties for the period from January 1, 2011 through January 31, 2012 and the period February 1, 2012 through June 30, 2012, respectively.

**Citation:**

*34179.5(c)(4) The review shall provide expenditure and revenue accounting information and identify transfers and funding sources for the 2010–11 and 2011–12 fiscal years that reconciles balances, assets, and liabilities of the successor agency on June 30, 2012 to those reported to the Controller for the 2009–10 fiscal year.*

**Procedure(s):**

4. Perform the following procedures:
  - A. Obtain from the Successor Agency a summary of the financial transactions of the Redevelopment Agency and the Successor Agency in the format set forth in the attached schedule for the fiscal periods indicated in the schedule. For purposes of this

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summary, the financial transactions should be presented using the modified accrual basis of accounting. End of year balances for capital assets (in total) and long-term liabilities (in total) should be presented at the bottom of this summary schedule for information purposes.

- B. Ascertain that for each period presented, the total of revenues, expenditures, and transfers accounts fully for the changes in equity from the previous fiscal period.
- C. Compare amounts in the schedule relevant to the fiscal year ended June 30, 2010 to the state controller's report filed for the Redevelopment Agency for that period.
- D. Compare amounts in the schedule for the other fiscal periods presented to account balances in the accounting records or other supporting schedules. Describe in the report the type of support provided for each fiscal period.

**Finding** – We obtained a summary of the financial transactions of the Redevelopment Agency and the Successor Agency; see *Exhibit C*. We reviewed the schedule for accuracy; compared the amounts on the schedule relevant to the June 30, 2010 state controller's report filed for the RDA, and compared amounts in the schedule for the other fiscal periods presented to account balances in the audited financial statements and the Successor Agency's accounting records. No exceptions were noted.

**Citation:**

*34179.5(c)(5) A separate accounting for the balance for the Low and Moderate Income Housing Fund for all other funds and accounts combined shall be made as follows:*

*(A) A statement of the total value of each fund as of June 30, 2012.*

**Procedure(s):**

- 5. Obtain from the Successor Agency a listing of all assets of all other funds of the Successor Agency as of June 30, 2012 (excluding the previously reported assets of the Low and Moderate Income Housing Fund) for the report that is due December 15, 2012. Agree the assets so listed to recorded balances reflected in the accounting records of the Successor Agency. The listings should be attached as an exhibit to the appropriate AUP report.

**Finding** – For all the other funds of the Successor Agency, we agreed the assets listed to the recorded balances reflected in the Successor Agency's accounting records. We noted the asset balance of the Successor Agency Fund as of June 30, 2012 was \$2,561,261 consisting of restricted cash, accounts receivable, notes receivable, and fixed assets. We traced the recorded balance to the accounting records of the Successor Agency. See *Exhibit D* for the listing of assets of the Successor Agency Fund as of June 30, 2012.

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**Citation:**

*34179.5(c)(5)(B) An itemized statement listing any amounts that are legally restricted as to purpose and cannot be provided to taxing entities. This could include the proceeds of any bonds, grant funds, or funds provided by other governmental entities that place conditions on their use.*

**Procedure(s):**

6. Obtain from the Successor Agency a listing of asset balances held on June 30, 2012 that are restricted for the following purposes:
  - A. Unspent bond proceeds:
    - i. Obtain the Successor Agency's computation of the restricted balances (e.g., total proceeds less eligible project expenditures, amounts set aside for debt service payments, etc.)
    - ii. Trace individual components of this computation to related account balances in the accounting records, or to other supporting documentation (specify in the AUP report a description of such documentation).
    - iii. Obtain from the Successor Agency a copy of the legal document that sets forth the restriction pertaining to these balances. Note in the AUP report the absence of language restricting the use of the balances that were identified by the Successor Agency as restricted.
  - B. Grant proceeds and program income that are restricted by third parties:
    - i. Obtain the Successor Agency's computation of the restricted balances (e.g., total proceeds less eligible project expenditures).
    - ii. Trace individual components of this computation to related account balances in the accounting records, or to other supporting documentation (specify in the AUP report a description of such documentation).
    - iii. Obtain from the Successor Agency a copy of the grant agreement that sets forth the restriction pertaining to these balances. Note in the AUP report the absence of language restricting the use of the balances that were identified by the Successor Agency as restricted.
  - C. Other assets considered to be legally restricted:
    - i. Obtain the Successor Agency's computation of the restricted balances (e.g., total proceeds less eligible project expenditures).
    - ii. Trace individual components of this computation to related account balances in the accounting records, or to other supporting documentation (specify in the AUP report a description of such documentation).
    - iii. Obtain from the Successor Agency a copy of the legal document that sets forth the restriction pertaining to these balances. Note in the AUP report the absence of

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language restricting the use of the balances that were identified by Successor the Agency as restricted.

- D. Attach the above mentioned Successor Agency prepared schedule(s) as an exhibit to the AUP report. For each restriction identified on these schedules, indicate in the report the period of time for which the restrictions are in effect. If the restrictions are in effect until the related assets are expended for their intended purpose, this should be indicated in the report.

**Finding** – For the Successor Agency Fund, the Successor Agency asserts that there are unspent bond proceeds of \$261,925 on June 30, 2012, that are restricted. We verified with the bond document the restriction requirement. In the bond document under the Deposit and Application of Proceeds of the Bonds section, “The Trustee shall deposit in the Reserve Account an amount required to cause the balance therein to equal the Reserve Requirement, which is the lesser of: (a) Maximum Annual Debt Service on the Bonds; or (b) the maximum amount permitted to be deposited therein under applicable federal tax law.” The Restricted balance is computed based on the information on page 3 under (d) Reserve Account in the bond document. See *Exhibit E*.

The Successor Agency asserts that there are no grant proceeds and program income, and any other assets considered to be legally restricted.

**Citation:**

*34179.5(c)(5)(C) An itemized statement of the values of any assets that are not cash or cash equivalents. This may include physical assets, land, records, and equipment. For the purpose of this accounting, physical assets may be valued at purchase cost or at any recently estimated market value. The statement shall list separately housing-related assets.*

**Procedure(s):**

7. Perform the following procedures:
- A. Obtain from the Successor Agency a listing of assets as of June 30, 2012 that are **not** liquid or otherwise available for distribution (such as capital assets, land held for resale, long-term receivables, etc.) and ascertain if the values are listed at either purchase cost (based on book value reflected in the accounting records of the Successor Agency) or market value as recently estimated by the Successor Agency.
  - B. If the assets listed at 7(A) are listed at purchase cost, trace the amounts to a previously audited financial statement (or to the accounting records of the Successor Agency) and note any differences.
  - C. For any differences noted in 7(B), inspect evidence of disposal of the asset and ascertain that the proceeds were deposited into the Successor Agency trust fund. If the

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differences are due to additions (this generally is not expected to occur), inspect the supporting documentation and note the circumstances.

- D. If the assets listed at 7(A) are listed at recently estimated market value, inspect the evidence (if any) supporting the value and note the methodology used. If no evidence is available to support the value and/or methodology, note the lack of evidence.

**Finding** – The Successor Agency asserted that the Successor Agency Fund has nine assets that are not liquid or otherwise available for distribution (such as capital assets, land held for resale, long-term receivables, etc.) as of June 30, 2012 totaling \$2,378,372. The value of the assets has been recorded at purchase cost. We agreed the values to previously audited financial statements.

**Citation:**

*34179.5(c)(5)(D) An itemized listing of any current balances that are legally or contractually dedicated or restricted for the funding of an enforceable obligation that identifies the nature of the dedication or restriction and the specific enforceable obligation. In addition, the successor agency shall provide a listing of all approved enforceable obligations that includes a projection of annual spending requirements to satisfy each obligation and a projection of annual revenues available to fund those requirements. If a review finds that future revenues together with dedicated or restricted balances are insufficient to fund future obligations and thus retention of current balances is required, it shall identify the amount of current balances necessary for retention. The review shall also detail the projected property tax revenues and other general purpose revenues to be received by the successor agency, together with both the amount and timing of the bond debt service payments of the successor agency, for the period in which the oversight board anticipates the successor agency will have insufficient property tax revenue to pay the specified obligations.*

**Procedure(s):**

8. Perform the following procedures:
- A. If the Successor Agency believes that asset balances need to be retained to satisfy enforceable obligations, obtain from the Successor Agency an itemized schedule of asset balances (resources) as of June 30, 2012 that are dedicated or restricted for the funding of enforceable obligations and perform the following procedures. The schedule should identify the amount dedicated or restricted, the nature of the dedication or restriction, the specific enforceable obligation to which the dedication or restriction relates, and the language in the legal document that is associated with the enforceable obligation that specifies the dedication of existing asset balances toward payment of that obligation.
- i. Compare all information on the schedule to the legal documents that form the basis for the dedication or restriction of the resource balance in question.

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- ii. Compare all current balances to the amounts reported in the accounting records of the Successor Agency or to an alternative computation.
  - iii. Compare the specified enforceable obligations to those that were included in the final Recognized Obligation Payment Schedule approved by the California Department of Finance.
  - iv. Attach as an exhibit to the report the listing obtained from the Successor Agency. Identify in the report any listed balances for which the Successor Agency was unable to provide appropriate restricting language in the legal document associated with the enforceable obligation.
- B. If the Successor Agency believes that future revenues together with balances dedicated or restricted to an enforceable obligation are insufficient to fund future obligation payments and thus retention of current balances is required, obtain from the Successor Agency a schedule of approved enforceable obligations that includes a projection of the annual spending requirements to satisfy each obligation and a projection of the annual revenues available to fund those requirements and perform the following procedures:
- i. Compare the enforceable obligations to those that were approved by the California Department of Finance. Procedures to accomplish this may include reviewing the letter from the California Department of Finance approving the Recognized Enforceable Obligation Payment Schedules for the six month period from January 1, 2012 through June 30, 2012 and for the six month period July 1, 2012 through December 31, 2012.
  - ii. Compare the forecasted annual spending requirements to the legal document supporting each enforceable obligation.
    - a. Obtain from the Successor Agency its assumptions relating to the forecasted annual spending requirements and disclose in the report major assumptions associated with the projections.
  - iii. For the forecasted annual revenues:
    - a. Obtain from the Successor Agency its assumptions for the forecasted annual revenues and disclose in the report major assumptions associated with the projections.
- C. If the Successor Agency believes that projected property tax revenues and other general purpose revenues to be received by the Successor Agency are insufficient to pay bond debt service payments (considering both the timing and amount of the related cash flows), obtain from the Successor Agency a schedule demonstrating this insufficiency and apply the following procedures to the information reflected in that schedule.
- i. Compare the timing and amounts of bond debt service payments to the related bond debt service schedules in the bond agreement.

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- ii. Obtain the assumptions for the forecasted property tax revenues and disclose major assumptions associated with the projections.
  - iii. Obtain the assumptions for the forecasted other general purpose revenues and disclose major assumptions associated with the projections.
- D. If procedures A, B, or C were performed, calculate the amount of current unrestricted balances necessary for retention in order to meet the enforceable obligations by performing the following procedures.
- i. Combine the amount of identified current dedicated or restricted balances and the amount of forecasted annual revenues to arrive at the amount of total resources available to fund enforceable obligations.
  - ii. Reduce the amount of total resources available by the amount forecasted for the annual spending requirements. A negative result indicates the amount of current unrestricted balances that needs to be retained.
  - iii. Include the calculation in the AUP report.

**Finding** – (A) The Successor Agency asserted that since the asset balance as of June 30, 2012 was negative, there are no assets available to satisfy enforceable obligations of the Successor Agency Fund.

(B) The Successor Agency asserts that for the next five to six years revenues will be insufficient to cover all obligations on their scheduled payment timeline. If the DOF provides the City with a Certificate of Completion (i.e. allowing the City to be reimbursed for all payments made on behalf of the Successor Agency and to be fully reimbursed for all administrative costs charged to the Successor Agency), then the City will be able to assist in making those payments on time and cover the administrative costs then reimbursed over years six to seven and onward.

(C) The Successor Agency asserts that RPTTF revenues are sufficient to make the bond payments, but it is insufficient to cover all obligations and administrative costs. If the DOF provides the City with a Certificate of Completion (i.e. allowing the City to be reimbursed for all payments made on behalf of the Successor Agency and to be fully reimbursed for all administrative costs charged to the Successor Agency), then the City will be able to assist in making those payments on time and cover the administrative costs then reimbursed over years six to seven and onward.

(D) Since the current balance of the unrestricted balances necessary to be retained to meet enforceable obligations is negative, Exhibit F provides the calculation based on forecasted annual revenues less enforceable obligations which shows that the Successor Agency does not have sufficient future revenues to cover all obligations.

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**Citation:**

*34179.5(c)(5)(E) An itemized list and analysis of any amounts of current balances that are needed to satisfy obligations that will be placed on the Recognized Obligation Payment Schedules for the current fiscal year.*

**Procedure(s):**

9. If the Successor Agency believes that cash balances as of June 30, 2012 need to be retained to satisfy obligations on the Recognized Obligation Payment Schedule (ROPS) for the period of July 1, 2012 through June 30, 2013, obtain a copy of the final ROPS for the period of July 1, 2012 through December 31, 2012 and a copy of the final ROPS for the period January 1, 2013 through June 30, 2013. For each obligation listed on the ROPS, the Successor Agency should add columns identifying (1) any dollar amounts of existing cash that are needed to satisfy that obligation and (2) the Successor Agency's explanation as to why the Successor Agency believes that such balances are needed to satisfy the obligation. Include this schedule as an attachment to the AUP report.

**Finding** – The Successor Agency asserts that cash balance as of June 30, 2012 was negative. *Exhibit G* illustrates the obligations the Successor Agency reported on the ROPS for July 1, 2012 through June 30, 2013.

**Citation:**

*34179.5(c)(6) The review shall total the net balances available after deducting the total amounts described in subparagraphs (B) to (E), inclusive, of paragraph (5). The review shall add any amounts that were transferred as identified in paragraphs (2) and (3) of subdivision (c) if an enforceable obligation to make that transfer did not exist. The resulting sum shall be available for allocation to affected taxing entities pursuant to Section 34179.6. It shall be a rebuttable presumption that cash and cash equivalent balances available to the successor agency are available and sufficient to disburse the amount determined in this paragraph to taxing entities. If the review finds that there are insufficient cash balances to transfer or that cash or cash equivalents are specifically obligated to the purposes described in subparagraphs (B), (D), and (E) of paragraph (5) in such amounts that there is insufficient cash to provide the full amount determined pursuant to this paragraph, that amount shall be demonstrated in an additional itemized schedule.*

**Procedure(s):**

10. Include (or present) a schedule detailing the computation of the Balance Available for Allocation to Affected Taxing Entities. Amounts included in the calculation should agree to the results of the procedures performed in each section above. The schedule should also include a deduction to recognize amounts already paid to the County Auditor-Controller on July 12, 2012 as directed by the California Department of Finance. The

**EXHIBIT A**  
**CITY OF NEWMAN SUCCESSOR AGENCY**  
**AGREED UPON PROCEDURES**  
**PURSUANT TO AB 1484**

amount of this deduction presented should be agreed to evidence of payment. The attached example summary schedule may be considered for this purpose. Separate schedules should be completed for the Low and Moderate Income Housing Fund and for all other funds combined (excluding the Low and Moderate Income Housing Fund).

**Finding** - We have included a schedule detailing the computation of the Balance Available Allocation to Affected Taxing Entities. See *Exhibit H*.

**Procedure(s):**

11. Obtain a representation letter from Successor Agency management acknowledging their responsibility for the data provided to the practitioner and the data presented in the report or in any attachments to the report. Included in the representations should be an acknowledgment that management is not aware of any transfers (as defined by Section 34179.5) from either the former redevelopment agency or the Successor Agency to other parties for the period from January 1, 2011 through June 30, 2012 that have not been properly identified in the AUP report and its related exhibits. Management's refusal to sign the representation letter should be noted in the AUP report as required by attestation standards.

**Finding** – The Successor Agency provided a management representation letter. No exceptions were noted.

**EXHIBIT B  
CITY OF NEWMAN  
SUCCESSOR AGENCY FUND  
SCHEDULE OF ASSET TRANSFERS TO THE CITY, COUNTY, OR CITY AND COUNTY**

<b>DATE OF TRANSFER</b>	<b>DESCRIPTION OF ASSETS</b>	<b>RECIPIENT</b>	<b>\$ VALUE OF ASSET TRANSFERRED</b>	<b>\$ VALUE OF ASSETS NOT SUPPORTED</b>	<b>PURPOSE OF TRANSFER</b>	<b>SOURCE DOC BASIS FOR TRANSFER</b>
<i>Period of Jan. 1, 2011 through Jan 31, 2012</i>						
1/1/2012	Cash	City of Newman	150,000		Completion of Newman Downtown Plaza Project	Loan documents stating money to be used for Newman Downtown Plaza Project
<i>Period of Feb 1, 2012 through June 30, 2012</i>						
2/1/2012	Cash	City of Newman as Successor Agency	(244,368)		Transfer to Successor Agency in accordance with HSC 34176(a)	City of Newman Resolution No. 2012-10
	Restricted Cash for Fiscal Agen	City of Newman as Successor Agency	324,976		Transfer to Successor Agency in accordance with HSC 34176(a)	City of Newman Resolution No. 2012-10
	Accounts Receivable	City of Newman as Successor Agency	7,263		Transfer to Successor Agency in accordance with HSC 34176(a)	City of Newman Resolution No. 2012-10
	Notes Receivables	City of Newman as Successor Agency	431,702		Transfer to Successor Agency in accordance with HSC 34176(a)	City of Newman Resolution No. 2012-10
	Indus Park - 2150 L St.	City of Newman as Successor Agency	32,498		Transfer to Successor Agency in accordance with HSC 34176(a)	City of Newman Resolution No. 2012-10
	McBride Bldg - 919 Fresno St.	City of Newman as Successor Agency	327,848		Transfer to Successor Agency in accordance with HSC 34176(a)	City of Newman Resolution No. 2012-10
	Park Site - 1571 Merced St.	City of Newman as Successor Agency	901,986		Transfer to Successor Agency in accordance with HSC 34176(a)	City of Newman Resolution No. 2012-10
	Merced St.	City of Newman as Successor Agency	399,862		Transfer to Successor Agency in accordance with HSC 34176(a)	City of Newman Resolution No. 2012-10
	Plaza Corner - 1361 N. Street	City of Newman as Successor Agency	159,500		Transfer to Successor Agency in accordance with HSC 34176(a)	City of Newman Resolution No. 2012-10

**EXHIBIT C  
CITY OF NEWMAN  
SUCCESSOR AGENCY FUND**

	Redevelopment Agency 12 Months Ended 6/30/2010	Redevelopment Agency 12 Months Ended 6/30/2011	Redevelopment Agency 7 Months Ended 1/31/2012	Successor Agency 5 Months Ended 6/30/2012
<b>Assets (modified accrual basis)</b>				
CASH BALANCE	\$ (369,493)	\$ (409,240)	\$ (244,368)	\$ (91,549)
CASH WITH FISCAL AGENT	261,527	261,540	324,976	261,925
ACCOUNTS RECEIVABLE	-	33,763	7,263	12,513
LOANS RECEIVABLE	557,790	572,830	575,702	556,678
	-	-	-	-
	-	-	-	-
	-	-	-	-
<b>Total Assets</b>	<b>\$ 449,824</b>	<b>\$ 458,893</b>	<b>\$ 663,573</b>	<b>\$ 739,567</b>
<b>Liabilities (modified accrual basis)</b>				
ACCOUNTS PAYABLE	\$ 64,148	\$ 4,307	\$ -	\$ -
COMPENSATED ABSENCES	9,639	6,641	6,641	7,837
INTERFUND PAYABLE	402,877	485,822	485,822	485,822
STAN CTY ECON DEV BANK LOAN	-	-	300,000	300,000
<b>Total Liabilities</b>	<b>\$ 476,664</b>	<b>\$ 496,770</b>	<b>\$ 792,463</b>	<b>\$ 793,659</b>
<b>Equity</b>	<b>(26,837)</b>	<b>(37,877)</b>	<b>(128,890)</b>	<b>(54,092)</b>
<b>Total Liabilities + Equity</b>	<b>\$ 449,827</b>	<b>\$ 458,893</b>	<b>\$ 663,573</b>	<b>\$ 739,567</b>
<b>Total Revenues:</b>	<b>\$ 545,687</b>	<b>\$ 463,942</b>	<b>\$ 304,031</b>	<b>\$ 220,085</b>
<b>Total Expenditures:</b>	<b>\$ 1,081,545</b>	<b>\$ 474,982</b>	<b>\$ 245,044</b>	<b>\$ 145,287</b>
<b>Total Transfers:</b>	<b>\$ (242,828)</b>	<b>\$ -</b>	<b>\$ (150,000)</b>	<b>\$ -</b>
<b>Net change in equity</b>	<b>\$ (778,686)</b>	<b>\$ (11,040)</b>	<b>\$ (91,013)</b>	<b>\$ 74,798</b>
<b>Beginning Equity:</b>	<b>\$ 751,849</b>	<b>\$ (26,837)</b>	<b>\$ (37,877)</b>	<b>\$ (128,890)</b>
<b>Ending Equity:</b>	<b>\$ (26,837)</b>	<b>\$ (37,877)</b>	<b>\$ (128,890)</b>	<b>\$ (54,092)</b>
<b>Other Information (show year end balances for all three years presented):</b>				
Capital assets as of end of year	2,136,022	2,237,716	2,179,912	2,179,912
Long-term debt as of end of year	2,096,000	2,000,000	1,900,000	2,375,000

**EXHIBIT D  
CITY OF NEWMAN  
SUCCESSOR AGENCY FUND  
AS OF JUNE 30, 2012 - UNAUDITED**

**ASSETS**

Cash	(91,549.00)	
Restricted Cash	261,925.00	
Accounts Receivable	12,513.00	
Note Receivable - West Side Village	377,790.00	
Note Receivable - West Side Theatre	20,000.00	
Note Receivable - Dan Grey	16,283.00	
Note Receivable - Jose Reynoso	142,605.00	
Indus Park - 2150 L Street	32,498.00	
McBride Bldg - 919 Fresno Street	327,848.00	
Park Site - 1571 Merced Street	901,986.00	
Merced Street	399,862.00	
Plaza Corner	159,500.00	
Totals Assets		<u>2,561,261.00</u>

**EXHIBIT E**  
**CITY OF NEWMAN**  
**SUCCESSOR AGENCY FUND**  
**PROCEDURE 6 - RESTRICTED ASSETS**

6.A. - Unspent bond proceeds:

		<u>Description</u>	<u>Supporting Documentation</u>
Restricted Cash	261,925	Bond Reserve	Bond document

**EXHIBIT F  
CITY OF NEWMAN  
SUCCESSOR AGENCY FUND  
PROCEDURE 8**

<b>8.D.</b>	<b>January 1, 2012 through <u>June 30, 2012</u></b>	<b>July 1, 2012 through <u>December 31, 2012</u></b>
RDA Beginning Balance	\$ 555,979	
Secured & Unsecured Property Tax Increment		\$ 341,395
<u>H&amp;S Code 34183 Distributions</u>		
Administrative Fees to County Auditor-Controller SB2557 Administration Fees		500
County Passthrough Payments	50,392	33,906
Special District Passthrough Payments	4,857	3,267
K-12 School Passthrough Payments - Tax Portion	87,846	58,895
Community College Passthrough Payments - Tax Portion	16,509	11,006
County Office of Education - Tax Portion	12,869	8,579
ROPS Enforceable Obligations Payable from Property Taxes (Includes Successor Agency Administrative Budget. If different from amount of Finance-approved ROPS, provide comments in ROPS Comments section below.	907,444	470,151
SCO Invoices for Audit and Oversight		
Total Costs	<u>1,079,917</u>	<u>586,304</u>
Residual Value	<u>\$ (523,938)</u>	<u>\$ (244,909)</u>
	Residual value apportioned to the other taxing agencies	Residual value apportioned to the other taxing agencies
	<u>\$ -</u>	<u>\$ -</u>

**EXHIBIT G  
CITY OF NEWMAN  
SUCCESSOR AGENCY FUND  
PROCEDURE 9**

	<b>Project Name / Debt Obligation</b>	<b>Jan - Jun 13</b>	<b>Jul - Dec 12</b>	<b>Explanation</b>
	1997 Tax Allocation Bonds	\$ 61,008	\$ 189,289	Bond debt obligation
	LMIH Project w/ Housing Authority	\$ 50,000	\$ 50,000	Enforceable Obligation
	Fee Offset Fund	\$ -	\$ 50,000	Enforceable Obligation
	Loan from Stanislaus County for Plaza	\$ 60,000	\$ 60,000	Enforceable Obligation
	Employee Costs - Estimated	\$ 59,533	\$ 65,555	Administrative Costs
	Project Administration Costs - Estim.	\$ 11,464	\$ 19,450	Administrative Costs
	Audit and Financial Reports - Estim.	\$ 5,600	\$ 6,350	Administrative Costs
	Theatre Operation - Estimated	\$ 4,250	\$ 4,250	Administrative Costs
	Industrial Park Oper - Estimated	\$ 1,750	\$ 2,400	Administrative Costs

Total Cash needed to satisfy obligations:                              \$ 253,605    \$ 397,294

**EXHIBIT H**  
**CITY OF NEWMAN**  
**SUCCESSOR AGENCY FUND**  
**SUMMARY OF BALANCES AVAILABLE FOR ALLOCATION TO AFFECTED TAXING ENTITIES**

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Total amount of assets held by the successor agency as of June 30, 2012 (procedure 5)	\$	2,561,261
Add the amount of any assets transferred to the city or other parties for which an enforceable obligation with a third party requiring such transfer and obligating the use of the transferred assets did not exist (procedures 2 and 3)		-
Less assets legally restricted for uses specified by debt covenants, grant restrictions, or restrictions imposed by other governments (procedure 6)		(261,925)
Less assets that are not cash or cash equivalents (e.g., physical assets) - (procedure 7)		(2,378,372)
Less balances that are legally restricted for the funding of an enforceable obligation (net of projected annual revenues available to fund those obligations) - (procedure 8)		
Less balances needed to satisfy ROPS for the 2012-13 fiscal year (procedure 9)		(650,899)
Less the amount of payments made on July 12, 2012 to the County Auditor-Controller as directed by the California Department of Finance		-
Amount to be remitted to county for disbursement to taxing entities	<u>\$</u>	<u>(729,935)</u>

*Note that separate computations are required for the Low and Moderate Income Housing Fund held by the Successor Agency and for all other funds held by the Successor Agency.*

NOTES: For each line shown above, an exhibit should be attached showing the composition of the summarized amount.

If the review finds that there are insufficient funds available to provide the full amount due, the cause of the insufficiency should be demonstrated in a separate schedule.