

LINCOLN REDEVELOPMENT AGENCY

ASSET TRANSFER REVIEW

Review Report

January 1, 2011, through January 31, 2012



JOHN CHIANG
California State Controller

June 2013



JOHN CHIANG
California State Controller

June 17, 2013

Jim Estep, City Manager
City of Lincoln
600 Sixth Street
Lincoln, CA 95648

Dear Mr. Estep:

Pursuant to Health and Safety Code section 34167.5, the State Controller's Office (SCO) reviewed all asset transfers made by the Lincoln Redevelopment Agency (RDA) to the Successor Agency to the City of Lincoln or any other public agency after January 1, 2011. This statutory provision states, "The Legislature hereby finds that a transfer of assets by a redevelopment agency during the period covered in this section is deemed not to be in furtherance of the Community Redevelopment Law and is thereby unauthorized." Therefore, our review included an assessment of whether each asset transfer was allowable and whether it should be turned over to the Lincoln Redevelopment Successor Agency.

Our review applied to all assets including, but not limited to, real and personal property, cash funds, accounts receivable, deeds of trust and mortgages, contract rights, and rights to payment of any kind. We also reviewed and determined whether any unallowable transfers of assets to the City of Lincoln or any other public agencies have been reversed.

Our review found that the City of Lincoln RDA transferred \$7,373,855 in assets. These assets included property transfers of ten parcels and two ground leases with a recorded value totaling \$3,207,481, or 30.3%, that should have been turned over to the Successor Agency by February 1, 2012.

Subsequently, the Oversight Board and the City approved the City's retention of eight of those properties, and reversed the transfer of the remaining four properties to the Successor Agency on the basis that those four properties were not being currently used for a governmental purpose. As a result of the Oversight Board's actions, the City does not need to take further action.

Also, while our draft report indicated that housing assets were not transferred to any successor, the City's response shows that its Successor Agency is functioning as an interim custodian over housing assets until a Successor Housing Agency can be determined. The SCO agrees that the City's Successor Agency should continue as the interim custodian of the former RDA's remaining housing assets.

Jim Estep, City Manager

June 17, 2013

If you have any questions, please contact Steven Mar, Bureau Chief, Local Government Audits Bureau at (916) 324-7226.

Sincerely,

Original signed by

JEFFREY V. BROWNFIELD, CPA
Chief, Division of Audits

JVB/kw

Attachment

cc: Richard J. Chivaro, Chief Legal Counsel
State Controller's Office
Scott Freesmeier, Audit Manager
Division of Audits, State Controller's Office
John Mellas, Auditor-in-Charge
Division of Audits, State Controller's Office
Andrew Sisk, CPA
Auditor-Controller, Placer County
Spencer Short, Oversight Board Chairperson
Successor Agency of the City of Lincoln Redevelopment Agency
Steven Szalay, Local Government Consultant
Department of Finance

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Review Report

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Asset Transfer Review Report

Summary

The State Controller's Office (SCO) reviewed the asset transfers made by the Lincoln Redevelopment Agency (RDA) after January 1, 2011. Our review included, but was not limited to, real and personal property, cash funds, accounts receivable, deeds of trust and mortgages, contract rights, and rights to payments of any kind from any source.

Our review found that the City of Lincoln RDA transferred \$7,373,855 in assets. These assets included property transfers of ten parcels and two ground leases with a recorded value totaling \$3,207,481, or 30.3%, that should have been turned over to the Successor Agency by February 1, 2012.

Subsequently, the Oversight Board and the City approved the City's retention for eight of those properties, and reversed the transfer of the remaining four properties to the RDA Successor Agency on the basis that those four properties were not being currently used for a governmental purpose. As a result of the Oversight Board's actions, the City does not need to take any further action.

Additionally, the former RDA Housing assets of \$4,623,920 were not yet transferred to any successor agency. The City of Lincoln must transfer these assets to the Lincoln Redevelopment Successor Agency for disposition under purview of its Oversight Board. Details of our findings and orders are located in the Findings and Orders of the Controller section of this report.

Background

In January of 2011, the Governor of the State of California proposed statewide elimination of redevelopment agencies (RDAs) beginning with the fiscal year (FY) 2011-12 State budget. The Governor's proposal was incorporated into Assembly Bill 26 (ABX1 26, Chapter 5, Statutes of 2011, First Extraordinary Session), which was passed by the Legislature, and signed into law by the Governor on June 28, 2011.

ABX1 26 prohibited RDAs from engaging in new business, established mechanisms and timelines for dissolution of the RDAs, and created RDA Successor Agencies to oversee dissolution of the RDAs and redistribution of RDA assets.

A California Supreme Court decision on December 28, 2011 (*California Redevelopment Association et al. v. Matosantos*), upheld ABX1 26 and the Legislature's constitutional authority to dissolve the RDAs.

ABX1 26 was codified in the Health and Safety Code (H&S Code) beginning with section 34161.

In accordance with the requirements of H&S Code section 34167.5, the State Controller is required to review the activities of redevelopment agencies (RDAs), "to determine whether an asset transfer has occurred after January 1, 2011, between the city or county, or city and county that

created a redevelopment agency, or any other public agency, and the redevelopment agency,” and the date on which the RDA ceases to operate, or January 31, 2012, whichever is earlier.

The SCO has identified transfers of assets that occurred after January 1, 2011, between the RDA, the City of Lincoln, and/or other public agencies. By law, the SCO is required to order that such assets, except those that already had been committed to a third party prior to June 28, 2011, the effective date of ABX1 26, be turned over to the Successor Agency. In addition, the SCO may file a legal order to ensure compliance with this order.

Objectives, Scope, and Methodology

Our review objective was to determine whether asset transfers that occurred after January 1, 2011, and the date upon which the RDA ceased to operate, or January 31, 2012, whichever was earlier, between the city or county, or city and county that created an RDA, or any other public agency, and the RDA, were appropriate.

We performed the following procedures:

- Interviewed Successor Agency personnel to gain an understanding of the Successor Agency operations and procedures.
- Reviewed meeting minutes, resolutions, and ordinances of the City Council, RDA and Oversight Board of Successor Agency.
- Reviewed accounting records relating to the recording of assets.
- Verified the accuracy of the Asset Transfer Assessment Form. This form was sent to all former RDAs to provide a list of all assets transferred between January 1, 2011, and January 31, 2012.
- Reviewed applicable financial reports to verify assets (capital, cash, property, etc.).

Conclusion

Our review found that the City of Lincoln RDA transferred \$7,373,855 in assets. These assets included property transfers of ten parcels and two ground leases with a recorded value totaling \$3,207,481, or 30.3%, that should have been turned over to the Successor Agency by February 1, 2012.

Subsequently, the Oversight Board and the City approved the City's retention for eight of those properties, and reversed the transfer of the remaining four properties to the RDA Successor Agency on the basis they were not being currently used for a governmental purpose. As a result of the Oversight Board's actions, the City does not need to take any further action.

Also, while our draft report indicated that housing assets were not transferred to any successor, the City's response shows that its Successor Agency is functioning as an interim custodian over housing assets until a Successor Housing Agency can be determined. The SCO agrees that the City's Successor Agency should continue as the interim custodian of the former RDA's remaining housing assets.

**Views of
Responsible
Official**

We issued a draft report on April 12, 2013. Jim Estep, City Manager, responded by letter dated April 22, 2013. The City's response is included in this final review report as an attachment.

Restricted Use

This report is solely for the information and use of the City of Lincoln, the Successor Agency, and the Oversight Board to the Successor Agency; it 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 when issued final.

Original signed by

JEFFREY V. BROWNFIELD, CPA
Chief, Division of Audits

June 17, 2013

Findings and Orders of the Controller

FINDING 1— Unallowable Property Transfers to City

The City transferred from the Lincoln Redevelopment Agency (RDA) to the City ten parcels and two ground leases with a total recorded value at January 31, 2012, of \$3,027,572. The properties were carried as RDA assets in the City's Fixed Assets accounts group until March 8, 2011, when grant deeds were revised to convey title to the City, as approved by the City Council in Resolution Number 2011-041. As described further below, all properties were reviewed by the Oversight Board subsequent to the transfer. By action of the Oversight Board, eight properties were approved for transfer to the City and four were re-conveyed to the Successor Agency.

The eight properties approved for transfer to the City are listed below:

- Youth center, APN: 008-152-010-000 (391 H Street), \$525,000
- Road, APN: 008-280-011-000 (E Street at 1st Street), \$190,059
- Parking lot, APN: 008-144-011-000 (H Street), \$295,200
- Parking lot, APN: 008-172-002-000 (442 E Street), \$171,465
- Parking lot, APN: 008-172-022-000 (454 E Street), \$500,000
- Parking lot, APN: 008-172-012-000 (439 F Street), \$307,249
- Ground lease for parking lot, APN:008-172-016 (F Street), \$0
- Ground lease for parking lot, APN:008-172-019 (F Street), \$0

The four properties re-conveyed to the Successor Agency are listed below:

- Vacant dwelling property, APN: 021-321-083-000 (Joiner & 1st Street), \$450,367
- Single family dwelling, APN: 008-280-019-000 (601 1st Street), \$391,356
- Vacant property, APN: 021-321-086-000 (127 Fuller Lane), \$97,080
- Office building, APN: 008-145-006-000 (540 F Street), \$279,704

As noted above, the Oversight Board and the City determined that some of these assets are subject to the provisions of Health and Safety (H&S) Code section 34181(a), which states:

The oversight board shall direct the successor agency to do all of the following:

- (a) Dispose of all assets and properties of the former redevelopment agency that were funded by tax increment revenues of the dissolved redevelopment agency; provided however, that the oversight board may instead direct the successor agency to transfer ownership of those assets that were constructed and used for a government purpose, such as roads, school buildings, parks, and fire stations, to the appropriate public jurisdiction pursuant to any

existing agreements relating to the construction or use of such an asset. Any compensation to be provided to the successor agency for the transfer of the asset shall be governed by the agreements relating to the construction or use of that asset. Disposal shall be done expeditiously and in a manner aimed at maximizing value.

On June 21, 2012, as recorded in its Resolution No. 2012-08, the Oversight Board approved the City's retention for eight of those properties because they were designated as being purchased, constructed, and used for a governmental purpose and, having nominal market value, they were considered not suitable for resale to a third party.

Also, on August 28, 2012, and as recorded in its Resolution No. 2012-142, the City Council authorized and directed a reversal of the prior transfers made on March 8, 2011 for the remaining four properties to the RDA Successor Agency, on the basis they were not being currently used for a governmental purpose. Property titles were reconveyed in grant deeds to the Successor Agency.

Order of the Controller

Based on H&S Code section 34167.5, the City of Lincoln would have been ordered to reverse the asset transfers made on March 8, 2011, described above. Because the Oversight Board approved the transfers of eight properties and the City Council reconveyed property titles to the Successor Agency of the four properties, the City is not required to make any further transfers or reversals for the properties described in this finding.

City of Lincoln's Response

The City substantively concurred with the reported finding and order of the Controller, but disagreed with some terminology. See Attachment 1 for the complete City response.

SCO's Response

The SCO acknowledges that the Agency transferred the properties, and assets were appropriately approved by the Oversight Board. Note that the Department of Finance (DOF) must approve the Oversight Board's decision in this matter. If the DOF does not approve this decision, then the City is ordered to transfer the assets to the Successor Agency pursuant to H&S Code section 34167.5.

The Finding and Order of the Controller remains as written.

**FINDING 2—
Housing assets not
transferred to
Successor Agency**

The Lincoln RDA held a total of \$4,623,920 in housing assets at January 31, 2012. These assets have not been transferred to the Successor Agency.

The City has continued to manage the former Housing fund, but has elected to not serve in the capacity of a Successor Housing Agency. Therefore, the City must transfer these assets to the Successor Agency for disposition under the authority of the Oversight Board, pursuant to H&S Code 34175(b).

H&S Code section 34175(b) states, “All assets, properties, contracts, leases, books and records, buildings, and equipment of the former redevelopment agency are transferred on February 1, 2012, to the control of the successor agency, for administration pursuant to the provisions of this part. This includes all cash or cash equivalents and amounts owed to the redevelopment agency as of February 1, 2012.”

Order of the Controller

Based on H&S Code section 34167.5, the City of Lincoln is ordered to transfer all former RDA assets in the Low and Moderate Income Housing Fund, recorded in the amount of \$4,623,920 at January 31, 2012, to the Successor Agency. The asset details are presented in Schedule 1.

The Successor Agency is directed to dispose of these assets and transfer the proceeds to the County Auditor-Controller for distribution to taxing entities pursuant to H&S Code section 34177(d).

City of Lincoln’s Response

The City disagrees with the SCO finding. See Attachment 1 for the complete City response.

SCO’s Response

The scope of the SCO review encompassed asset transfers for the period of January 1, 2011, through January 31, 2012. The City’s Independent Accountant’s Report on Applying Agreed-Upon Procedures on the Low and Moderate Income Housing Fund of the Successor Agency for the Year ended June 30, 2012 (the “Due Diligence Report”), issued September 19, 2012, reported finding that “No assets were transferred to the Successor Agency on February 1, 2012.”

On reviewing the information provided in the City’s response regarding the Successor Agency’s actions following February 1, 2012, the SCO agrees that housing assets are under the Successor Agency’s custodial control, as an interim measure, pending a final determination of a Successor Housing Agency.

**Attachment 1—
City's Response to
Draft Review Report**



April 22, 2013

Steven Mar, Chief
Local Government Audits Bureau
State Controller's Office Division of Audits
P. O. Box 942850
Sacramento, CA 94250-5874

Re: Response to State Controller's Asset Transfer Review Report for the
Successor Agency to the Lincoln Redevelopment Agency

Dear Mr. Mar:

The City of Lincoln (City) submits this letter on behalf of the City and the Successor Agency to the former Redevelopment Agency of the City of Lincoln (Successor Agency) in response to the letter from Jeffrey V. Brownfield, Chief, Division of Audits at the State Controller's Office, dated April 12, 2013, received by our office on April 18, 2013, and the accompanying Asset Transfer Review Report, dated April 2013 (Report). While we do not specifically agree with the language used in Finding 1 regarding the non-housing assets of the former Lincoln Redevelopment Agency (RDA), we do concur with your final determination under Finding 1 that all approvals and transfers were subsequently completed, and the City is not required to make any further transfers or reversals for those properties. However, we respectfully disagree with SCO's order and directive under Finding 2 relating to the housing assets of the former Redevelopment Agency of the City of Lincoln (RDA).

FINDING 1 – Unallowable Property Transfers to City

SCO indicates the "City transferred from the Lincoln Redevelopment Agency (RDA) to the City ten parcels and two ground leases" (Report, p. 4; emphasis added). This statement misstates the facts regarding the transactions being addressed. AB 1x 26 dissolving redevelopment agencies throughout the state was not adopted until June 27, 2011, and redevelopment agencies were dissolved effective February 1, 2012. The conveyances of the properties from the RDA to the City were authorized in March 2011, prior to adoption of AB 1x 26, and recorded in June 2011, a full 7 months prior to dissolution of the RDA. Further, the Report indicates the grant deeds were "revised" and

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we are at a loss as to what this means or the impact that would have relating to the SCO's findings.

The Order of the Controller relating to these transactions acknowledges that the Oversight Board approved the transfers of some of these properties, and the City Council reconveyed the remainder of the properties to the Successor Agency, prior to preparation of the Report. Therefore, the City is not required to make any further transfers of reversals for the properties described in Finding 1. With the correction noted above to the facts stated in the Report, the Successor Agency concurs with SCO's conclusion for Finding 1.

FINDING 2 – Housing Assets Not Transferred to Successor Agency

The SCO Finding 2 states that the former housing assets of the former RDA, totalling \$4,623,920, "have not been transferred to any successor agency." The Order of the Controller is that the City "transfer all former RDA assets in the Low and Moderate Income Housing Fund, recorded in the amount of \$4,623,920 at January 31, 2012, to the Successor Agency." (Report, p. 5.) The SCO further directs the Successor Agency to "dispose of these assets and transfer the proceeds to the County Auditor-Controller for distribution to taxing entities pursuant to H&S Code section 34177(d)." (Report, p. 6.)

Schedule 1 of the Report identifies the elements that constitute the \$4,623,920 amount the SCO indicates was in the Low and Moderate Income Housing Fund (Housing Fund) and has ordered that that amount be transferred by the City to the Successor Agency, including \$241,356 in cash and investments. We would point out that, as shown on the Due Diligence Review for the Housing Fund completed by the Successor Agency (for the year ended June 30, 2012), an additional \$2,359 in receipts was received in the Housing Fund, and disbursements for debt service and other enforceable obligations in the amount of \$61,429 were made, between January and June 2012, leaving a cash balance on June 30, 2012, of only \$182,286. Of this remaining cash balance, \$20,753 constitutes bond proceeds that are being held by the fiscal agent, and the remaining balance of \$161,713 was designated an unencumbered balance and paid to the Placer County Auditor-Controller on November 2, 2012 (see Exhibit 1, attached hereto), for disbursement to the taxing agencies. Thus, there is no remaining cash in the Housing Fund. All other assets identified in Schedule 1 of the Report do not constitute cash-in-hand assets, but reflects amounts and interest on loans that are not yet receivable.

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Further, Health and Safety Code Section 34176(a)(1), adopted by AB 1x 26, and subsequently amended by AB 1484 (collectively, the "Dissolution Act"), provides, in part, that the "city, county or city and county that authorized the creation of a redevelopment agency may elect to retain the housing assets and functions previously performed by the redevelopment agency." In that event, all rights, powers, duties, obligations and housing assets are to be transferred to the city, county, or city and county. Subsection 34176(b) goes on to provide that if the city, county, or city and county does not elect to retain the responsibility for performing those housing functions, the rights, powers, assets, duties and obligations associated with the housing activities of the former redevelopment agency are then transferred to the local housing authority in the territorial jurisdiction of the former redevelopment agency; and if there is no such local housing authority, then to the Department of Housing and Community Development (HCD).

As acknowledged by the SCO Report (p. 5), the City, by adoption of Resolution No. 2012-013 on January 24, 2012, determined that it would not be the successor housing entity, and would not retain the housing assets or perform the housing functions previously performed by the RDA. As explained to SCO during its audit review on March 8, 2013, and as evidenced in the letter from the City of Lincoln to the Department of Finance (DOF), dated September 26, 2012 and the attachments to that letter (Exhibit 2, attached hereto), City staff, on behalf of the Successor Agency, contacted the Placer County Housing Authority in an attempt to coordinate transfer of the housing functions of the former RDA, but was informed that the Housing Authority did not have jurisdiction within the incorporated City, and therefore would not perform the functions of the Housing Successor Agency for the former RDA. City staff then contacted HCD, but was told that AB 1x 26 and AB 1484 did not vest HCD with authority or responsibility for determining housing successors for former RDAs. The City then turned to DOF (via the September 26, 2012 letter) to determine the proper entity to assume the housing assets and functions of the former RDA. Although City staff has attempted on several occasions to follow up with DOF regarding this issue, to date the City has not yet received any official response from DOF. Therefore, as SCO appears to acknowledge, there is no successor housing entity to transfer the housing assets of the former RDA.

The Report incorrectly states that the "City has continued to manage the former Housing fund," even though the City elected not to serve in the capacity of a Successor Housing Agency. (Report, p. 5.) As noted in the City's September 26, 2012 letter, "because of this ongoing dispute, the Successor Agency to the former RDA has been forced to act by default, in an interim capacity, as the Successor Housing Entity, fulfilling certain of the

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reporting and other administrative requirements of the Successor Housing Entity, in order to ensure that neither the City nor the Successor Agency will be subjected to the penalties resulting from the the failure to meet the deadlines for those required activities. This has not only placed an additional financial and administrative burden on the Successor Agency, but continues to create confusion given the varied housing and non-housing reporting and other administrative requirements and obligations that must be satisfied.” (Exhibit 2, p. 2.; emphasis added.)

Health and Safety Code Section 34173(b), adopted by AB 1X 26, and subsequently amended by AB 1484, provides that “except for those provisions of the Community Redevelopment Law that are repealed, restricted, or revised pursuant to the act adding this part, all authority, rights, powers, duties, and obligations previously vested with the former redevelopment agencies ... are hereby vested in the successor agencies.” Section 34177(e) requires that successor agencies “dispose of assets and properties of the former redevelopment agency as directed by the oversight board,” and subsection (g) requires that successor agencies “effectuate transfer of housing functions and assets to the appropriate entity designated pursuant to Section 34176.”

It would appear from the Report that SCO has taken the position that the housing assets identified in Schedule 1 of the Report are somehow in the City's possession, or under the control of the City. Given the City's actions not to become the Housing Successor Agency to the former RDA, and the various attempts by the Successor Agency to identify the appropriate entity to transfer those assets to, the City disagrees that it has possession or control of those assets. The City contends that, as the housing assets were under the control of the former RDA at the time of its dissolution, those housing assets that still remain were transferred to the Successor Agency by operation of law under Health and Safety Code Section 34173(b), and were never transferred to the City by any action of the City, Successor Agency or Oversight Board. It is, therefore, impossible for the City to comply with the SCO's order.

Further, the SCO's order appears to be contradictory. The SCO, in its Report, states that the “City must transfer these assets to the Successor Agency for disposition under the authority of the Oversight Board, pursuant to H&S Code 34175(b).” (Report, p. 5.) As discussed above, the City does not have possession or control over those assets, and it is, therefore, not possible for the City to comply with such an order. The SCO then directs that the Successor Agency is to “dispose of these assets and transfer the proceeds to the County Auditor-Controller for distribution to taxing entities pursuant to H&S Code section 34177(d).” (Report, p. 6.) We do not believe that the SCO has the authority to

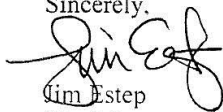
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issue such a directive. First, the Successor Agency, by law, is required to "dispose of assets and properties of the former redevelopment agency as directed by the Oversight Board." (H&S Code, §34177(e).) The Successor Agency is also required to "effectuate transfer of housing functions and assets to the appropriate entity designated pursuant to Section 34176." (H&S Code, §34177(g).) Second, while the Successor Agency has been forced to perform, by default, some housing functions of the former RDA, the Successor Agency does not believe it has the blanket authority or obligation to dispose of any of the housing assets or perform housing functions of the former RDA beyond that which it is forced to do in order to maintain those assets until the appropriate housing successor entity is determined. It specifically does not have the authority or obligation to dispose of all of the housing assets and transfer the proceeds to the County Auditor-Controller for distribution to taxing entities.

This situation which is the subject of Finding 2 points to just one of the many confusing, conflicting and complex elements and gaps in the Dissolution Act. There is no clear authority or direction under the Dissolution Act to assist the Successor Agency, or others, in making a determination as to how to proceed. While we understand the SCO's determination to respond to its obligations and responsibilities under the Dissolution Act, we do not agree with the assumptions and directives contained in the SCO's Report. We do not believe the Successor Agency has the authority to make the determinations or take the actions required by the SCO's Report, nor can the SCO issue the order and directive it has under Finding 2. Therefore, the SCO should revise its Report to eliminate the order for the City to transfer the housing assets to the Successor Agency and the directive for the Successor Agency to dispose of those assets, and instead acknowledge that until it is determined which entity shall be the Housing Successor Agency, the Successor Agency shall continue to be the custodian of the remaining housing assets of the former RDA.

Sincerely,



Jim Estep
City Manager, City of Lincoln

Attachments

- Exhibit 1: Evidence of Payment of \$161,713 to County Auditor-Controller
- Exhibit 2: Letter to Housing and Community Development re Successor Housing Entity

cc: Iris P. Yang, Best Best & Krieger LLP, Special Counsel

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EXHIBIT 1


*City of Lincoln
Low-Mod Housing Fund
Cash Flow - January to June 2012*

| | <u>Cash & Investments</u> |
|---|-----------------------------------|
| 1/31/12 Balance | |
| Bond proceeds held by fiscal agent | 20,573 |
| Cash in bank | <u>220,783</u> |
| 1/31/12 Balance | 241,356 |
| Jan - Jun activity | |
| Receipts | |
| Placer County | 1,646 |
| Interest Earnings | <u>714</u> |
| Total Receipts | 2,359 |
| Disbursements | |
| Debt Service | 58,293 |
| Pre-January 31, 2013 payroll | <u>3,137</u> |
| Total Disbursements | 61,429 |
| Net change in cash | (59,070) |
| 6/30/12 Balance | 182,286 |
| Bond proceeds held by fiscal agent | 20,573 |
| Cash in bank | <u>161,713</u> |
| | 182,286 |
| Check #80094 Dated 11/2/12 to Placer County | <u>(161,713)</u> |
| Remaining cash is all bond proceeds | 20,573 |

Vendor: Placer County Auditor Cntrl
 Vendor No. PLA26 Vendor Account No:
Invoice Number Date Description
 10/31/12 10/31/2012 Dissolution of low/med housing fund

Check Date: 11/02/2012
 Check Amount: 161,713.00
Invoice Amount
 161,713.00

80094

| | | | |
|--|--|---|--|
|  <p>City of Lincoln</p> | <p>CITY OF LINCOLN 600 6th STREET LINCOLN, CA 95648 (916) 434-2400</p> | <p>US BANK FIVE STAR SERVICE GUARANTEED USBANK.COM 90-2267/1211</p> | <p>80094</p> |
| | | <p>Date 11/02/2012</p> | <p>Amount 161,713.00</p> |
| <p>Pay: ONE HUNDRED SIXTY-ONE THOUSAND SEVEN HUNDRED THIRTEEN AND XX / 100</p> | | | |
| <p>To the order of:</p> | | | |
| <p>Placer County Auditor Cntrl. Attn: Terri Wiech 2970 Richardson Dr Auburn, CA 95603</p> | | <p><i>[Signature]</i> _____ NON-NEGOTIABLE _____</p> | |
| <p>⑈080094⑈ ⑆121122676⑆ 153490527238⑈</p> | | | |

Details on back
 Security Features Included

Vendor: Placer County Auditor Cntrl
 Vendor No. PLA26 Vendor Account No:
Invoice Number Date Description
 10/31/12 10/31/2012 Dissolution of low/med housing fund

Check Date: 11/02/2012
 Check Amount: 161,713.00
Invoice Amount
 161,713.00

80094

Return to Emily

CITY OF LINCOLN - CHECK REQUEST
ALL NECESSARY RECEIPTS, QUOTES, OR OTHER PURCHASE DOCUMENTATION MUST BE ATTACHED

DATE REQUESTED 10-31-12 DATE NEEDED 11-2-12 AMOUNT \$ 166,713
PAYEE: Placer County Auditor Controller

PURPOSE: Dissolution of Law/Med Housing Fund - Transfer cash
REQUESTED BY: E Boyd DEPT. HEAD APPROV: [Signature] Assetto County

FOR INTERNAL USE

| AMOUNT | VENDOR | ACCOUNT # | DESCRIPTION |
|--------|--------|---------------------------|---|
| | | <u>283-0000-999990000</u> | <u>RDA Extraordinary Loss - Dissolution</u> |

CITY OF LINCOLN

Attachment F - Summary of Balances Available for Allocation to Affected Taxing Entities

| | |
|--|-------------------|
| Total amount of assets held by the successor agency as of June 30, 2012 (procedure 5) | |
| Cash with fiscal agent | \$ 20,573 |
| Cash in bank | 161,713 |
| Interest receivable | 18 |
| Interest receivable | 590,580 |
| Oakcreek II Loan | 421,204 |
| Lincoln Terrace Apts Loan | 1,958,000 |
| Lincoln Golden Village Loan | 400,000 |
| Covenant Agreement WPUSD | 107,000 |
| SERAF Loan to RDA | <u>879,389</u> |
| Total amount of assets held by the successor agency as of June 30, 2012 | 4,538,477 |
| | |
| 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) | |
| Unspent bond proceeds | (20,573) |
| Agency Assistance Agreement | (107,000) |
| | |
| Less assets that are not cash or cash equivalents (e.g., physical assets) - (procedure 7) | |
| Interest receivable | (18) |
| Oakcreek II Loan | (515,975) |
| Lincoln Terrace Apts Loan | (2,453,809) |
| Lincoln Golden Village Loan | (400,000) |
| SERAF Loan to RDA | <u>(879,389)</u> |
| Total assets that are not cash or cash equivalents | (4,249,191) |
| | |
| 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) | |
| - | |
| | |
| 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>\$ 161,713</u> |

Emily Boyd

From: Amanda Norton
Sent: Monday, October 29, 2012 9:42 AM
To: Emily Boyd
Subject: LMIHF review dates

Hi Emily

DOF has until November 9th to finalize their review of our Due Diligence review. Within 5 days of receiving DOF's final determination, we must transfer the amount due to the county auditor controller.

Amanda Norton, M.U.R.P.
Housing and Special Projects Coordinator
City of Lincoln
600 6th Street
Lincoln, CA 95648
Website: www.ci.lincoln.ca.us
E-mail: anorton@ci.lincoln.ca.us
Phone: (916) 434-2499
Fax: (916) 645-3552

10/31/2012

RESOLUTION NO. 2012-13S

A RESOLUTION OF THE SUCCESSOR AGENCY TO THE DISSOLVED REDEVELOPMENT AGENCY OF THE CITY OF LINCOLN, ACTING IN THE CAPACITY AS THE INTERIM SUCCESSOR HOUSING AGENCY, APPROVING THE DUE DILIGENCE REPORT FOR THE LOW AND MODERATE INCOME HOUSING FUND AND AUTHORIZING SUBMITTAL OF THE REPORT TO THE OVERSIGHT BOARD FOR APPROVAL

WHEREAS, as part of the dissolution of the Redevelopment Agency of the City of Lincoln (RDA), the City Council of the City of Lincoln adopted Resolution No. 2012-013 on January 24, 2012, opting out of becoming the "Successor Housing Agency" and retaining the housing assets and performing the housing functions previously performed by the RDA, and

WHEREAS, since that time City staff has been working with the Placer County Housing Authority ("PCHA) and the State Department of Housing and Community Development ("HCD") to transfer the housing assets and functions to one of those agencies, in accordance with AB 1X 26 and the follow up AB 1484 (the "Dissolution Act"); and

WHEREAS, at this time, both PCHA and HCD have refused to assume the role as the Successor Housing Agency, and the City has now notified the State Department of Finance to help determine the proper entity to be the Successor Housing Agency; and

WHEREAS, due to this ongoing dispute, the Successor Agency has been fulfilling certain of the reporting and other administrative requirements of the Successor Housing Agency, on an interim basis, in order to ensure that neither the City nor the Successor Agency will be subjected to penalties resulting from the failure to meet the deadlines for those required activities; and

WHEREAS, Health and Safety Code Section 34179.5 requires the Successor Agency to hire a licensed accountant, approved by the County Auditor-Controller, to conduct a Due Diligence Review to determine the unobligated balances available for transfer to taxing entities, and on September 7, 2012, Smith and Newell conducted their review of the Low and Moderate Income Housing Fund to meet the requirements of Section 34179.5, and prepared a Report on that review;

WHEREAS, pursuant to Health and Safety Code Section 34179.6(a), by October 1, 2012, the Successor Agency shall provide the Oversight Board, County Auditor-Controller, State Controller, and the Department of Finance, the results of the Due Diligence Review of the Low and Moderate Income Housing Fund;

NOW, THEREFORE, THE SUCCESSOR AGENCY TO THE DISSOLVED REDEVELOPMENT AGENCY OF THE CITY OF LINCOLN, ACTING IN THE CAPACITY AS THE INTERIM SUCCESSOR HOUSING AGENCY, DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1. Recitals. The Recitals set forth above are true and correct and are incorporated into this Resolution by this reference.

SECTION 2. CEQA Compliance. Approval of the Due Diligence Report does not commit the Successor Agency to any action that may have a significant effect on the

environment. As a result, such action does not constitute a project subject to the requirements of the California Environmental Quality Act.

SECTION 3. Approval and Directives. The Successor Agency does hereby approve the Due Diligence Report for the Low and Moderate Income Housing Fund, in substantially the form on file with the City Clerk, and directs staff to submit the Report to the Oversight Board, County Auditor-Controller, State Controller, and Department of Finance prior to October 1, 2012. The Successor Agency further directs the payment to the County Auditor-Controller of the amounts from the Low and Moderate Income Housing Fund that are determined by the Oversight Board and the Department of Finance to be available for distribution to the taxing entities, such payment to be made in compliance with the Dissolution Act and as directed by the County Auditor-Controller and Department of Finance.

SECTION 4. Severability. If any provision of this Resolution or the application of any such provision to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this Resolution that can be given effect without the invalid provision or application, and to this end the provisions of this Resolution are severable. The Successor Agency declares that the Successor Agency would have adopted this Resolution irrespective of the invalidity of any particular portion of this Resolution.

SECTION 5. Certification. The City Clerk of the City of Lincoln, acting on behalf of the Successor Agency as its Secretary, shall certify to the adoption of this Resolution.

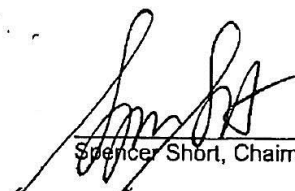
SECTION 6. Effective Date. This Resolution shall be effective immediately upon its adoption.

PASSED, APPROVED AND ADOPTED this 25th day of September, 2012.

AYES: Hydrick, Joiner, Nader, Cosgrove, Short

NOES: None

ABSENT: None



Spencer Short, Chairman

ATTEST:



Patricia Avila, Successor Agency Secretary



September 26, 2012

Redevelopment Agency Administration
California Department of Finance
Local Government Unit
915 L Street
Sacramento, CA 95814-3706

Steve Szalay
Local Government Consultant
California Department of Finance
915 L Street
Sacramento, CA 95814-3706

Re: Successor Housing Entity to the Former
Redevelopment Agency of the City of Lincoln

Gentlemen:

As part of the dissolution of the Redevelopment Agency of the City of Lincoln ("RDA"), the City Council of the City of Lincoln adopted Resolution No. 2012-013 on January 24, 2012 (see copy attached), determining that it would not be the "Successor Housing Entity," nor would it retain the housing assets or perform the housing functions previously performed by the RDA.

Health and Safety Code Section 34176(b), as adopted by AB 1X 26 and amended by AB 1484, provides, in part, that if a city does not elect to retain the responsibility to perform the housing functions previously performed by the former redevelopment agency, "all rights, powers, assets, duties, and obligations associated with the housing activities of the agency ... shall be transferred as follows: (1) if there is no local housing authority in the territorial jurisdiction of the former redevelopment agency, to the Department of Housing and Community Development ... (2) if there is one local housing authority in the territorial jurisdiction of the former redevelopment agency, to that local housing authority."

Following adoption of Resolution No. 2012-013, City staff communicated with and provided documentation and information to the Placer County Housing Authority ("Housing Authority") in an attempt to coordinate transfer of the housing functions of the former RDA to the Housing Authority. During a meeting on March 13, 2012, County staff informed City staff that the Housing Authority did not have jurisdiction within the incorporated City, and therefore would not perform the functions of the Housing Successor Agency for the former RDA.

City staff then contacted HCD. After discussions with Glen Campora, Assistant Deputy Director, Housing Policy Development at HCD, and at HCD's request, the City requested written clarification from

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the Housing Authority confirming it would not assume the housing functions of the former RDA. The City received a letter from Holly L. Heinzen, Chief Assistant County Executive Officer, dated July 3, 2012, formally advising the City that the "Placer County Housing Authority has jurisdiction in the unincorporated area and, as such, does not fall under the category of a "*local housing authority in the territorial jurisdiction of the former Redevelopment Agency*" for the City of Lincoln or any other incorporated areas under section 34176(b)(2)." [See letter attached, emphasis added.] That letter further states that "since the County Authority's jurisdiction does not extend to cities, under the law, we would not be the designated entity to perform that function ... [and that staff] have conveyed in numerous settings that Placer County is not the Housing Successor entity for Lincoln."

Following receipt of the letter from Placer County, Amanda Norton, Lincoln's Housing & Special Projects Coordinator, sent a letter to Mr. Campora, dated July 18, 2012 (see letter enclosed), enclosing a copy of City Resolution No. 2012-013 (opting out of being the Housing Successor for the former RDA), the County's letter of July 3, 2012, and a list of the housing assets of the former RDA. Ms. Norton's letter also pointed out Health and Safety Code Section 34176(b)(1), which provides that where there is no local housing authority in the territorial jurisdiction of the former RDA, the housing functions of the former RDA shall be transferred to HCD, and requested direction on how to proceed with the transfer of those housing assets and obligations to HCD.

On September 18, 2012, Ms. Norton received a telephone call from HCD indicating HCD had received information from DOF that the City had elected to take over the housing successor tasks. Ms. Norton clarified once again that the City had opted out of being the Housing Successor Agency, and that City staff was still working to try to get those assets and functions transferred to HCD. Ms. Norton then received an email from Ryan George Seeley, Staff Counsel at HCD, confirming his understanding that the City had elected not to become the Successor Housing Entity, but also noting that "responsibility for reporting on and marshaling the former RDA's housing assets (and performing the housing functions thereof) should fall to the local housing authority (which I am informed may be the Placer County Housing Authority)." Mr. Seeley also indicated in his email that "AB1x-26 (and AB 1484) does not vest HCD with authority or responsibility for determining Housing Successors for former RDA's."

Although Mr. Seeley does not specifically state that HCD does not have the authority to assume the housing functions of a former RDA, it would appear that is the intent of his email, as he further indicates that HCD urges local agencies to advise DOF staff if their responsible local housing authority continues to refuse to accept the assets and functions of former RDAs within their territorial jurisdictions.

Because of this ongoing dispute, the Successor Agency to the former RDA has been forced to act by default, in an interim capacity, as the Successor Housing Entity, fulfilling certain of the reporting and other administrative requirements of the Successor Housing Entity, in order to ensure that neither the City nor the Successor Agency will be subjected to the penalties resulting from the failure to meet the deadlines for those required activities. This has not only placed an additional financial and administrative burden on the Successor Agency, but continues to create confusion given the varied housing and non-housing reporting and other administrative requirements and obligations that must be satisfied. Further delay in transferring the housing assets and functions to the proper entity will only exacerbate this situation.

The purpose of this letter is to formally notify DOF that both the Placer County Housing

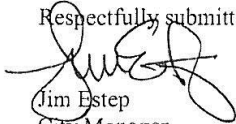
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Authority and the Department of Housing and Community Development refuse to assume the role as the Successor Housing Entity of the former Redevelopment Agency of the City of Lincoln, and to request that DOF determine which is the proper entity to assume the housing assets and functions of the former RDA.

If you have any questions, please feel free to contact Amanda Norton at 916-434-2470, or by email (anorton@ci.lincoln.ca.us). Please send copies of your response to all the persons listed below.

Respectfully submitted,



Jim Estep
City Manager

Enclosures

cc: Glen Campora, Assistant Deputy Director, Housing Policy Development, HCD
Ryan George Seeley, Staff Counsel, HCD
Holly L. Heinzen, Chief Assistant Placer County Executive Officer
David Boesch, Placer County Executive Officer
Gerald Carden, Placer County Counsel
Karin Schwab, Placer County Deputy County Counsel
Amanda Norton, Housing and Special Projects Coordinator, City of Lincoln
Iris P. Yang, Special Counsel, Best Best & Krieger LLP

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RESOLUTION NO. 2012-013

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LINCOLN ELECTING TO OPT OUT OF THE HOUSING ASSETS AND FUNCTIONS PREVIOUSLY PERFORMED BY THE REDEVELOPMENT AGENCY OF THE CITY OF LINCOLN PURSUANT TO PART 1.85 OF DIVISION 24 OF THE CALIFORNIA HEALTH AND SAFETY CODE

WHEREAS, the City Council of the City of Lincoln ("City") approved and adopted the Redevelopment Plan for the Lincoln Redevelopment Project ("Redevelopment Plan") covering certain properties within the City (the "Project Area"); and

WHEREAS, the Redevelopment Agency of the City of Lincoln ("Agency") has been engaged in activities to execute and implement the Redevelopment Plan pursuant to the provisions of the California Community Redevelopment Law (Health and Safety Code § 33000, et seq.) ("CRL"); and

WHEREAS, since adoption of the Redevelopment Plan, the Agency has undertaken redevelopment projects in the Project Area to eliminate blight, to improve public facilities and infrastructure, to renovate and construct affordable housing, and to enter into partnerships with private industries to create jobs and expand the local economy; and

WHEREAS, as part of the 2011-12 State budget bill, the California Legislature enacted, and the Governor signed, companion bills AB 1X 26 and AB 1X 27, requiring that each redevelopment agency be dissolved unless the community that created it enacted an ordinance committing it to making certain payments; and

WHEREAS, a Petition for Writ of Mandate was filed in the Supreme Court of the State of California on July 18, 2011 (*California Redevelopment Association, et al. v. Ana Matosantos, et al.*, Case No. S194861), challenging the constitutionality of AB 1X 26 and AB 1X 27 on behalf of cities, counties and redevelopment agencies; and

WHEREAS, on December 29, 2011, the Supreme Court issued its final decision in the aforesaid litigation, upholding AB 1X 26, invalidating AB 1X 27 and extending all statutory deadlines under AB 1X 26, essentially dissolving all redevelopment agencies throughout the State effective February 1, 2012; and

WHEREAS, the city that authorized the creation of the redevelopment agency may elect to opt-out of the housing assets and functions previously performed by the redevelopment agency;

WHEREAS, all other legal prerequisites to the adoption of this Resolution have occurred.

THE CITY COUNCIL OF THE CITY OF LINCOLN, CALIFORNIA, DOES HEREBY RESOLVE AS FOLLOWS:

Section 1. Recitals. The Recitals set forth above are true and correct and incorporated herein by reference.

Section 2. Election to Opt Out of Housing Assets and Functions. Based on the Recitals set forth above, because the City Council authorized the creation of the Redevelopment Agency of the City of Lincoln, the City Council hereby elects to opt-out of the housing assets and functions previously performed by the Redevelopment Agency of the City of Lincoln. Upon dissolution of the Agency pursuant to Part 1.85 of Division 24 of the California Health and Safety Code, and except as provided under the CRL, all rights, powers, duties and obligations, excluding any amounts on deposit in the Redevelopment Agency of the City of Lincoln's Low and Moderate Income Housing Fund shall be transferred to the appropriate Housing Agency.

Section 3. Implementation. The City Council hereby authorizes and directs the City Manager or his designee to take any action and execute any documents necessary to carry out the purposes of this Resolution, including but not limited to, notifying the Placer County Auditor-Controller, the Controller of the State of California, and the California Department of Finance of the adoption of this Resolution and the transfer of any assets, all in accordance with AB 1X 26.

Section 4. Severability. If any provision of this Resolution or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this Resolution which can be given effect without the invalid provision or application, and to this end the provisions of this Resolution are severable. The City Council hereby declares that it would have adopted this Resolution irrespective of the invalidity of any particular portion thereof.

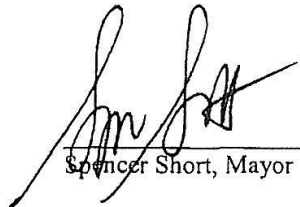
PASSED AND ADOPTED at a regular meeting of the City Council on the 24th day of January 2012, by the following vote:

AYES: Nader, Cosgrove, Joiner, Hydrick, Short

NOES: None

ABSTAIN: None

ABSENT: None


Spencer Short, Mayor

ATTEST:


Patricia Avila, City Clerk



COUNTY OF PLACER

BOARD MEMBERS

JACK DURAN
District 1

JIM HOLMES
District 3

ROBERT M. WEYGANDT
District 2

KIRK UHLER
District 4

JENNIFER MONTGOMERY
District 5

OFFICE OF COUNTY EXECUTIVE

David Boesch, County Executive Officer

175 FULWEILER AVENUE / AUBURN, CALIFORNIA 95603
TELEPHONE: 530/889-4030
FAX: 530/889-4023
www.placer.ca.gov

July 3, 2012

Amanda Norton
Housing & Special Projects Coordinator
Lincoln City Hall
600 Sixth Street
Lincoln, CA 95648

RE: Response to letter pertaining to Lincoln Successor Housing entity status

Dear Ms. Norton:

This is in response to your June 4, 2012 letter to Placer County seeking clarification as to whether or not Placer County is the Successor Housing entity for the Dissolved Redevelopment Agency for the City of Lincoln.

As you know, the Health and Safety Code section 34176(b) provides the hierarchy of transfer options should a city elect not to retain the responsibility for performing the housing functions previously performed by its redevelopment agency.

This section of the code reads, in part, as follows: (b) If a city, county, or city and county does not elect to retain the responsibility for performing housing functions previously performed by a redevelopment agency, all rights, powers, assets, liabilities, duties, and obligations associated with the housing activities of the agency, excluding any amounts in the Low and Moderate Income Housing Fund, shall be transferred as follows: (1) Where there is no local housing authority in the territorial jurisdiction of the former redevelopment agency, to the Department of Housing and Community Development.

The Placer County Housing Authority has jurisdiction in the unincorporated area and, as such, does not fall under the category of a "local housing authority in the territorial jurisdiction of the former Redevelopment Agency" for the City of Lincoln or any other incorporated areas under section 34176(b)(2). Since the County Authority's jurisdiction does not extend to cities, under the law, we would not be the designated entity to perform that function. I have spoken with staff and they have confirmed that they have conveyed in numerous settings that Placer County is not the Housing Successor entity for Lincoln.

Amanda Norton
Response to letter pertaining to
Lincoln Successor Housing entity status
July 3, 2012
Page 2

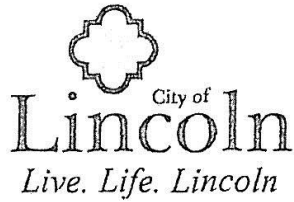
I hope this addresses your question and allows you to move forward under a different scheme of oversight for the housing functions with the dissolution of the former Lincoln Redevelopment Agency. Please do not hesitate to contact me should you have any questions.

Sincerely,



Holly L. Heinzen,
Chief Assistant County Executive Officer

cc: David Boesch, Placer County Executive Officer
Gerald Carden, Placer County Counsel
Karin Schwab, Placer County Deputy County Counsel



July 18, 2012

Glen Campora
Assistant Deputy Director, Housing Policy Development
California Department of Housing & Community Development
1800 Third Street
Sacramento, CA 95811-6942

RE: Housing & Community Development to become Housing Successor for the Dissolved
Redevelopment Agency of the City of Lincoln.

Dear Mr. Campora,

On January 24, 2012 the City Council of the City of Lincoln adopted Resolution No. 2012-013 (see copy attached) electing to "opt out" of being the Housing Successor for the Dissolved Redevelopment Agency of the City of Lincoln. On February 28, 2012, City staff, acting as the Successor Agency, submitted documents and information regarding the former Redevelopment Agency's housing assets to the Placer County Housing Authority. During a meeting on March 13, 2012, the staff of the Placer County Successor Agency informed Lincoln Successor Agency staff that the Placer County Housing Authority does not have jurisdiction within the incorporated City of Lincoln, and therefore, would not perform the functions of the Housing Successor for the Dissolved Redevelopment Agency of the City of Lincoln. Placer County Housing Authority staff then directed the Lincoln Successor Agency staff to contact you at Housing & Community Development (HCD).

During our March 28, 2012 phone call, you asked that the City obtain a letter from the Placer County Housing Authority stating the Housing Authority would not perform the functions of the Housing Successor for the former Redevelopment Agency of the City of Lincoln. After several requests, the Lincoln Successor Agency finally received such a letter from the Placer County Executive Office (see copy attached).

On behalf of the Successor Agency for the Dissolved Redevelopment Agency of the City of Lincoln enclosed is a list of housing assets of the former Redevelopment Agency. Per Health & Safety Code Section 34176(b)(1), where there is no local housing authority in the territorial jurisdiction of the former redevelopment agency, all rights, powers, assets, liabilities, duties and obligations associated with the housing activities of the former redevelopment agency shall be transferred to the California Department of Housing and Community Development. Please let us know how best to proceed with the transfer of those assets and liabilities to HCD.

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If you have any questions, please feel free to call me (916-434-2470) or send an email (anorton@ci.lincoln.ca.us).

Sincerely,



Amanda Norton
Housing & Special Projects Coordinator

Attachments

cc: California Department of Finance
California State Controller
Placer County Auditor Controller
Anna Jateczak, CFO
Emily Boyd, Principal Accountant

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Dissolved Redevelopment Agency of the City of Lincoln Housing Assets

| Document Number | Address | Document Type | Housing Type |
|-----------------|---------------------------------|--|-------------------------|
| 2006-0065538 | 196 Phoenix Circle, Lincoln | Resale Restriction and Owner Occupancy Agreement | Single family, detached |
| 2006-0094393 | 298 Phoenix Circle, Lincoln | Resale Restriction and Owner Occupancy Agreement | Single family, detached |
| 2008-0026947 | 406 Phoenix Circle, Lincoln | Resale Restriction and Owner Occupancy Agreement | Single family, detached |
| 2006-0060527 | 409 Phoenix Circle, Lincoln | Resale Restriction and Owner Occupancy Agreement | Single family, detached |
| 2007-0019503 | 424 Phoenix Circle, Lincoln | Resale Restriction and Owner Occupancy Agreement | Single family, detached |
| 2006-0094733 | 446 Phoenix Circle, Lincoln | Resale Restriction and Owner Occupancy Agreement | Single family, detached |
| 2006-0057104 | 590 Navigator Drive, Lincoln | Resale Restriction and Owner Occupancy Agreement | Single family, detached |
| 2006-0057103 | 536 Navigator Drive, Lincoln | Resale Restriction and Owner Occupancy Agreement | Single family, detached |
| 2008-0045756 | 1650 First Street, Lincoln | Affordable Housing Covenant | Multi-family |
| 2005-0037337 | 1685 First Street, Lincoln | Affordable Housing Covenant | Multi-family |
| 2003-0110347 | 1685 First Street, Lincoln | Affordable Housing Covenant | Multi-family |
| 2003-0110346 | 1685 First Street, Lincoln | Affordable Housing Covenant | Multi-family |
| 1995-064721 | 1685 First Street, Lincoln | Agreement to be Recorded Affecting Real Property | Multi-family |
| 2003-0110348 | 455 Joiner Parkway, Lincoln | Affordable Housing Covenant | Multi-family |
| 2003-0110341 | 450 Joiner Parkway, Lincoln, CA | Affordable Housing Covenant | Multi-family |
| 2008-0022950 | 655 N Street, Lincoln | Resale Restriction and Owner Occupancy Agreement | Single family, detached |
| 2007-0092980 | 667 N Street, Lincoln | Resale Restriction and Owner Occupancy Agreement | Single family, detached |
| 2008-0011564 | 679 N Street, Lincoln | Resale Restriction and Owner Occupancy Agreement | Single family, detached |
| 2005-0052447 | 858 N Street, Lincoln | Resale Restriction and Owner Occupancy Agreement | Single family, detached |
| 2006-0104308 | 868 N Street, Lincoln | Resale Restriction and Owner Occupancy Agreement | Single family, detached |
| 2005-0054767 | 878 N Street, Lincoln | Resale Restriction and Owner Occupancy Agreement | Single family, detached |

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Amanda Norton

From: Ryan Seeley [rseeley@hcd.ca.gov]
Sent: Tuesday, September 18, 2012 10:40 AM
To: Amanda Norton
Subject: RE: City of Lincoln Reso opting out of Housing Successor

Attachments: 153131.PDF



153131.PDF (119 KB)

Hello Amanda:

Based on the attached copy of the City of Lincoln's January 2012 election to opt out of becoming a Housing-Successor, this will confirm my understanding that, although the City of Lincoln elected to become a "Successor-Agency," the City expressly elected not (i.e. rejected/declined) to become a "Housing-Successor" for its former RDA.

Thus, based on AB1x-26, responsibility for reporting on and marshaling the former-RDA's housing assets (and performing the housing functions thereof) should fall to the local Housing Authority (which I am informed may be the Placer County Housing authority).

Please note that AB1x-26 (and AB 1484) does not vest HCD with authority or responsibility for determining Housing Successors for former RDA's. We do, however, urge that local agencies advise Department of Finance staff if their respective local (including County) Housing Authority(ies) continue(s) to refuse to accept the assets and functions of former RDAs within their territorial jurisdictions.

Thank You,

Ryan George Seeley - Staff Counsel
California Department of Housing & Community Development - Legal Affairs Division 1800 3rd Street Room 440, Sacramento CA 95811 || ph: (916) 323-8733 || f: (916) 323-2815 || e: rseeley@hcd.ca.gov

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-----Original Message-----

From: Amanda Norton [mailto:anorton@ci.lincoln.ca.us]
Sent: Friday, August 31, 2012 2:32 PM
To: Ryan Seeley
Subject: City of Lincoln Reso opting out of Housing Successor

<<153131.PDF>> Hi Ryan,

Attached is the resolution.

Amanda

--

This email and any files attached are intended solely for the use of the individual or

entity to which they are addressed. If you have received this email in error, please notify the sender immediately. This email and the attachments have been electronically scanned for email content security threats, including but not limited to viruses.

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