

NEWARK 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 27, 2013

John Becker, City Manager
Newark Redevelopment Successor Agency
37101 Newark Boulevard
Newark, CA 94560

Dear Mr. Becker:

Pursuant to Health and Safety Code section 34167.5, the State Controller's Office (SCO) reviewed all asset transfers made by the Newark Redevelopment Agency (RDA) to the City of Newark (City) 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 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 Newark or any other public agencies have been reversed.

Our review found that the RDA transferred \$1,782,846 in assets to the City and the Successor Agency. These assets consisted of \$1,764,706 in sales tax revenues to the City and \$18,140 in current assets to the Successor Agency. We did not identify any unallowable transfers of assets that occurred during the audit period between the RDA, the City, and/or other public agencies.

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

cc: Alan L. Nagy, Chairperson of the Oversight Board
Newark Redevelopment Successor Agency
Susan Woodstock, Administrative Services Director
Newark Redevelopment Successor Agency
Patrick O'Connell, Auditor–Controller
County of Alameda
Steven Szalay, Local Government Consultant
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Asset Transfer Review Report

Summary

The State Controller's Office (SCO) reviewed the asset transfers made by the Newark 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 RDA transferred \$1,782,846 in assets to the City of Newark (City) and the Successor Agency. These assets consisted of \$1,764,706 in sales tax revenues to the City and \$18,140 in current assets to the Successor Agency. We did not identify any unallowable transfers of assets that occurred during the audit period between the RDA, the City, and/or other public agencies.

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 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 did not identify any transfers of assets that accrued after January 1, 2011 between the RDA, the City, and/or other public agencies.

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 Newark City Council and the RDA.
- 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 RDA transferred \$1,782,846 in assets to the City and the Successor Agency. These assets consisted of \$1,764,706 in sales tax revenues to the City and \$18,140 in current assets to the Successor Agency. We did not identify any unallowable transfers of assets that occurred during the audit period between the RDA, the City and/or other public agencies.

Views of Responsible Official

At an exit conference on May 1, 2013, we discussed the review results with Susie Woodstock, Administrative Services Director. Ms. Woodstock agreed with the review results and agreed that a draft review report was not necessary and that the report could be issued as a final.

Restricted Use

This report is solely for the information and use of the City of Newark, the Newark Redevelopment Successor Agency, the Oversight Board, and the SCO; 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 27, 2013

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