



BOARD OF SUPERVISORS

KEITH CARSON
Supervisor, Fifth District

May 18, 2012

Ms. Sarah T. Schlenk
Agency Administrative Manager
City Administrator's Office
1 Frank Ogawa Plaza
Oakland, CA 94612

Dear Ms. Schlenk:

Please provide a copy of all communications between your office and the California Department of Finance related to the approval of the City of Oakland's Recognized Obligation Payment Schedule for January 2012 – June 2021 and July 2012 – December 2012, to all members of the City of Oakland's Oversight Board.

Thank you.

Sincerely,

Keith Carson
Alameda County Supervisor, Fifth District
Chair, Oversight Board

Schlenk, Sarah

From: Schlenk, Sarah
Sent: Tuesday, March 06, 2012 5:12 PM
To: 'Wyatt, Kelly'
Cc: Le, Kylie
Subject: RE: Oakland RDA EOPS

Hi Kelly,
Yes, sounds good.

Also, can you please confirm our discussion around the minor difference between a pending invoice and the amount shown the EOPS as an "outstanding obligation" for that line item – that the payment could proceed without a formal amendment to the EOPS?

Thanks,
Sarah

From: Wyatt, Kelly [mailto:Kelly.Wyatt@dof.ca.gov]
Sent: Tuesday, March 06, 2012 5:09 PM
To: Schlenk, Sarah
Cc: Le, Kylie
Subject: Oakland RDA EOPS

Sarah,

Thank you for your time this afternoon. This will confirm that by end of day Thursday you will be providing me with the contract dates for the items listed on the EOPS submitted 1/26/2012. I requested that you highlight the contracts that you believe were entered into after June 29, 2011. As I indicated in my telephone message, this is the date of the legislation ABx1 26.

I would like to speak with you again on Monday afternoon to discuss the EOPS in more detail. I will plan to contact you at 3:00 for follow up inquiries. Please confirm if this time is convenient with your schedule.

Regards,

Kelly Wyatt
Financial and Program Evaluator II
Department of Finance
Office of State Audits and Evaluations
T: (916) 322-2985, ext. 3521
F: (916) 322-2618

5/18/2012

Schlenk, Sarah

From: Schlenk, Sarah
Sent: Thursday, March 08, 2012 4:05 PM
To: 'Wyatt, Kelly'
Cc: Le, Kylie
Subject: RE: Oakland RDA EOPS
Attachments: Agency Wide Amended EOPS FINAL_1-25 w date.XLS; Acorn Amended EOPS FINAL w date.XLS; Army Base Amended EOPS FINAL_1-25 w date.XLS; BMSP Amended EOPS FINAL 1-25 w date.xls; CCE Amended EOPS FINAL 1-25 w date.xls; Central District Amended EOPS FINAL_1-25 w date.xls; Coliseum Amended EOPS FINAL_1-25 w date.XLS; Oak Knoll Amended EOPS FINAL_1-25 w date.XLS; West Oakland Amended EOPS FINAL_1-25 w date.XLS; LowMod Fund Amended EOPS FINAL_1-25 w date.XLS

Hi Kelly,
Here are Excel EOPS files for Oakland with agreement dates. Some files have multiple tabs.
Should we plan on 3pm Monday afternoon?
Thanks,
Sarah

From: Wyatt, Kelly [mailto:Kelly.Wyatt@dof.ca.gov]
Sent: Tuesday, March 06, 2012 5:09 PM
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5/18/2012

Schlenk, Sarah

From: Schlenk, Sarah
Sent: Wednesday, May 09, 2012 8:51 PM
To: Wyatt, Kelly; Orth, Carol, Auditor Agency
Cc: Landreth, Sabrina; Solitei, Osborn; Le, Kylie; Rossi, Daniel; Blackwell, Fred
Subject: RE: edits for ROPS and RPTT estimates

Hello,

To clarify – the City doesn't agree with Ms. Wyatt's account below on the status of DOF's review of the City's ROPS. The ROPS was approved by the Oakland Oversight Board on April 23, and DOF was notified of this and received a copy of the approved ROPS on this date. The City did not receive an official notice from DOF within the statutory three-day period that it was requesting further review or that it was rejecting Oakland's ROPS. According to our legal counsel the ROPS was deemed approved by DOF as of April 26. On May 4th, DOF sent a formal notice raising issues with the format of our ROPS; we then revised the format to accommodate the DOF request and sent the reformatted ROPS to DOF on May 7th. No action was taken by the Oversight Board subsequent to their initial April 23 approval, so there was no new statutory review period triggered by the format changes.

We are not aware of any substantive issues that DOF has with any of the line items on our ROPS; we have responded to all of DOF's issues raised during their preliminary review of our EOPS. I will of course continue talking to Ms. Wyatt on whatever issues she might have, but I wanted to make the City's position on this very clear. DOF's position in their message to you that the May 21st review timeframe is consistent with the statute is legally incorrect.

Thanks,
Sarah

From: Wyatt, Kelly [mailto:Kelly.Wyatt@dof.ca.gov]
Sent: Wednesday, May 09, 2012 12:50 PM
To: Orth, Carol, Auditor Agency
Cc: Schlenk, Sarah; Landreth, Sabrina; Solitei, Osborn; Le, Kylie
Subject: RE: edits for ROPS and RPTT estimates

Ms. Orth,

Thank you for your inquiry. As you are aware from the legislation, the Department of Finance (DOF) has three business days within which to advise whether a ROPS will be reviewed, and then 10 days within which to obtain information to support the obligations being questioned. In that regard, the ROPS for Oakland was received by DOF on Friday, May 4. I am in the process of arranging interviews both with Ms. Schlenk and Mr. Solitei in order to proceed with my initial review. Mr. Solitei has not yet had the opportunity to return my call.

We continue to be within the timelines allowed pursuant to the legislation, and as the ROPS was only just received and I have not yet made any initial inquiries, I am not able to respond to you at this time.

Keep in mind, however, that our review is done on a sample basis and we do not look at each and every obligation. If obligations are questioned during a review, a letter will be issued by May 21, 2012 of

5/18/2012

which you will be sent a copy. You are also copied of the correspondence between Ms. Schlenk and myself to keep you updated on our progress.

Regards,

Kelly Wyatt, Analyst
Department of Finance
(916) 322-2985, ext. 3521

From: Orth, Carol, Auditor Agency [mailto:carol.orth@acgov.org]
Sent: Wednesday, May 09, 2012 12:28 PM
To: Wyatt, Kelly
Cc: 'Schlenk, Sarah'; 'Landreth, Sabrina'; Solitei, Osborn
Subject: FW: edits for ROPS and RPTT estimates

Kelly,

I am confirming the status of the ROPS for Oakland so that we can ensure we are using the proper amount for the June 1 payment.

Please advise if any of the items included on the attached ROPS (including the items discussed below) need to be deleted.

Thank you,

Carol S. Orth, Tax Manager
(p) 510-272-6548

From: Schlenk, Sarah [mailto:sschlenk@oaklandnet.com]
Sent: Tuesday, May 08, 2012 1:08 PM
To: Orth, Carol, Auditor Agency
Cc: Landreth, Sabrina; Solitei, Osborn
Subject: edits for ROPS and RPTT estimates

Hi Carol,

As a follow-up to our conversation from Friday, please see attached edits to your spreadsheets and also itemized below. I've also attached the DOF document regarding project staffing separate from admin allowance (end of page 2).

ROPS edits for calculation of RPPT distribution:

1. Include Excel row 11 in RPPT distribution: Annual Audit (former Redevelopment Agency) \$92,328
2. Include Excel row 16 in RPPT distribution: PERS Unfunded Pension obligation \$693,624
3. Include Excel row 17 in RPPT distribution: OPEB Unfunded Pension obligation \$350,324
4. Amend Excel row 19: Unemployment Reduce \$1,000,000 to \$216,000
5. Include Excel row 19 in RPPT distribution: Unemployment \$216,000
6. Include Excel row 82 in RPPT distribution: Central District project staffing \$1,427,448
7. Amend Excel row 84: Central District negative cash \$10,500,000 to \$0 (do not include in RPPT distribution for now)
8. Include Excel row 362 in RPPT distribution: Army Base project staffing \$351,870

5/18/2012

9. Include Excel row 447 in RPPT distribution: Low Mod 2006A Housing Bonds \$54,875

Please let us know if you have any questions.

Thanks,

Sarah

~~~~~  
*Sarah T. Schlenk, Agency Administrative Manager*  
*City Administrator's Office*  
*510/238-3982 | [sschlenk@oaklandnet.com](mailto:sschlenk@oaklandnet.com)*

Oakland Ranked #5 Place to Visit in the World!  
*New York Times*, January 2012 <http://bit.ly/GB3s8f>

**Schlenk, Sarah**

---

**From:** Schlenk, Sarah  
**Sent:** Friday, March 16, 2012 4:52 PM  
**To:** 'Wyatt, Kelly'  
**Subject:** RE: Responses to DOF questions on EOPS/ROPS (housing)

**Attachments:** ROPS Report.pdf

Per the attached ROPS, we are removing the following items you previously asked questions about (see below).

Thanks,  
 Sarah

Central City East - LARRY

Page 2:

Item #4) Ray's Electric, City of Oakland – information reflecting the obligation to Ray's Electric, versus obligation to the City of Oakland. Is the Ray's Electric work complete, ongoing? In stages?

Item #9) Ray's Electric & PWA construction costs – same as above, Item #4

Central District - PATRICK

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Please show contractual obligations.

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Item #5) Uptown Redevelopment Project, Lease DDA tax increment rebate – Please provide me sufficient information to obtain an understanding of this DDA and the RDA's obligations.

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Coliseum - LARRY

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Item #13) CTV Amended OPA, payee EBALDC, Related Co., OHA, Infrastructure Improvements – please provide the pertinent contract pages

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Oakland Army Base - AL

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West Oakland - PATRICK

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Item #10) District 3 Teen Center, Swinerton Builders -- Please provide the contract reflecting the

5/18/2012

obligation on the part of the RDA to provide these matching funds.

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**From:** Wyatt, Kelly [mailto:Kelly.Wyatt@dof.ca.gov]  
**Sent:** Thursday, March 15, 2012 3:33 PM  
**To:** Schlenk, Sarah  
**Subject:** RE: Responses to DOF questions on EOPS/ROPS (housing)

Thank you, Sarah. I have had my plate full today, so Monday would be fine if that works best for you (since I do not work Fridays). But if you want to get it out of the way early....

Thank you for providing these, I will await the balance.

Regards,

Kelly

---

**From:** Schlenk, Sarah [mailto:sschlenk@oaklandnet.com]  
**Sent:** Thursday, March 15, 2012 3:19 PM  
**To:** Wyatt, Kelly  
**Subject:** Fwd: Responses to DOF questions on EOPS/ROPS (housing)

Kelly, please see below and attached for most but not all of the low mod related questions. Will provide additional documentation requested tomorrow and Monday.  
-Sarah.

Sent from my iPhone

Begin forwarded message:

**From:** "Levin, Jeffrey" <JPLevin@oaklandnet.com>  
**To:** "Schlenk, Sarah" <SSchlenk@oaklandnet.com>  
**Subject:** Responses

Low and Moderate Income Housing Fund – JEFF/NORMA

Page 1:

Item #8) East Oakland Comm. Project, Payee EOCP, Guarantee for op. costs of trans housing. Please provide any contract associated with this obligation.

PENDING

Item #22) Cathedral Gardens, payee EAH, Housing development loan – Please

5/18/2012



provide any contract or information to help me understand this and any associated RDA obligation.

Agreement is attached

Page 2:

Item #10) Project # P151796, 94th and International Blvd., "Related" payees. Please provide copies of loan documents which reflect the obligation on the part of the RDA, with time frames, specific addresses/projects, etc.

Agreement is attached. Note that this is not "related payees". The name of the payee is The Related Companies of California, LLC (they are a major housing developer). Project is in predevelopment. Details are in the agreement.

Item #22) Project L290451, Harrison Senior Apartments, payee Christian Church Homes – same as Item #10 above

Agreement is attached. Project is under construction and expected to be completed by the end of 2012.

Item #38) Project L437910, MacArthur BART affordable housing, payee "Bridge", housing development loan. Same as above.

Agreement is attached. Note that payee is "BRIDGE Housing Corporation". This project is jointly funded with housing and non-housing funds – the non-housing portion is listed in the Broadway/MacArthur/San Pablo section of the ROPS. I believe that site/infrastructure work is underway now. The housing is expected to start construction in Sept 2012.

Item #39) Project L439410, Oak to 9th, payee Harbor Partners LLC, land acquisition. Is the purchase complete? Any development or construction? Please advise of status.

Purchase has not yet occurred. RDA is legally obligated to purchase site under the terms of both a development agreement with Harbor Partners LLC (see attached agreement, which is just the relevant affordable housing portion of the much lengthier development agreement for the entire project) and a Cooperation Agreement with a community benefits coalition (also attached). Harbor Partners may require us to purchase the site 90 days after it completes the Site Improvements (including site remediation/environmental clean-up).

Purchase price is lesser of developer costs or fair market value to be determined by an appraisal at the time of purchase. When the agreement was signed, the estimated cost of the land was \$28 million to \$38 million net of the write-downs provided for in the agreement. Given changes in market conditions, we estimate the lower end of the range is the likely price, but can't say with certainty without the appraisal called for in the

agreement.

Page 3:

Item #25) Lion Creek Crossing V, payee EBALDC, housing development – required by State grant. Please help me to understand this obligation.

PENDING

Jeffrey P. Levin ([jplevin@oaklandnet.com](mailto:jplevin@oaklandnet.com))  
Manager, Housing Policy & Programs  
City of Oakland/Community & Economic Development Agency  
250 Frank Ogawa Plaza, 5th Floor  
Oakland, CA 94612  
510/238-6188 FAX: 510/238-3691  
<http://www.oaklandnet.com/hcd>

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From: Wyatt, Kelly [<mailto:Kelly.Wyatt@dof.ca.gov>]  
Sent: Monday, March 12, 2012 6:04 PM  
To: Schlenk, Sarah  
Cc: Le, Kylie  
Subject: RE: Oakland RDA EOPS

Sarah,

5/18/2012

Thank you for your assistance in helping me to understand the obligations put on the EOPS for the City of Oakland Redevelopment Agency. This will confirm the items for which you are providing me additional documentation. As we discussed, I will need most of the documents by close of business Thursday, with the balance on Monday. I will contact you again after I have had an opportunity to review what is provided.

Broadway/MacArthur/San Pablo - PATRICK

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Thank you for help, Sarah. I will look forward to receipt of this information. Please don't hesitate to contact me if you feel that direct conversation would be helpful in lieu of documentation for a particular item.

Regards,

Kelly Wyatt

Financial and Program Evaluator II

Department of Finance

Office of State Audits and Evaluations

T: (916) 322-2985, ext. 3521

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## Schlenk, Sarah

---

**From:** Schlenk, Sarah  
**Sent:** Friday, March 16, 2012 4:53 PM  
**To:** 'Wyatt, Kelly'  
**Subject:** RE: Responses to DOF questions on EOPS/ROPS (housing)  
**Attachments:** Second Amendment to Exclusive Negotiating Agreement w. ProLogis + CCG (SAENA) executed (4-11-11).pdf

No problem. So you have it first thing Monday... attached is the Army Base contract requested.

---

**From:** Wyatt, Kelly [mailto:Kelly.Wyatt@dof.ca.gov]  
**Sent:** Thursday, March 15, 2012 3:33 PM  
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Thank you for help, Sarah. I will look forward to receipt of this information. Please don't hesitate to contact me if you feel that direct conversation would be helpful in lieu of documentation for a particular item.

Regards,

Kelly Wyatt

Financial and Program Evaluator II

Department of Finance

Office of State Audits and Evaluations

T: (916) 322-2985, ext. 3521

F: (916) 322-2618

**Schlenk, Sarah**

**From:** Schlenk, Sarah  
**Sent:** Wednesday, March 21, 2012 10:10 AM  
**To:** 'Wyatt, Kelly'  
**Subject:** RE: Responses to DOF questions on EOPS/ROPS (housing)  
**Attachments:** ROPS Combined 3-20-12.xls; ROPS #1 cover text.DOC; ROPS #2 cover text.DOC

Good Morning Kelly,  
 Attached is a slightly revised (couple of items removed) ROPS in Excel format for your convenience.  
 More documents you requested will be coming separately.  
 -Sarah

---

**From:** Schlenk, Sarah  
**Sent:** Friday, March 16, 2012 4:52 PM  
**To:** 'Wyatt, Kelly'  
**Subject:** RE: Responses to DOF questions on EOPS/ROPS (housing)

Per the attached ROPS, we are removing the following items you previously asked questions about (see below).  
 Thanks,  
 Sarah

Central City East - LARRY

Page 2:

Item #4) Ray's Electric, City of Oakland – information reflecting the obligation to Ray's Electric, versus obligation to the City of Oakland. Is the Ray's Electric work complete, ongoing? In stages?

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West Oakland - PATRICK

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Item #10) District 3 Teen Center, Swinerton Builders -- Please provide the contract reflecting the obligation on the part of the RDA to provide these matching funds.

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**From:** Wyatt, Kelly [mailto:Kelly.Wyatt@dof.ca.gov]

**Sent:** Thursday, March 15, 2012 3:33 PM

**To:** Schlenk, Sarah

**Subject:** RE: Responses to DOF questions on EOPS/ROPS (housing)

Thank you, Sarah. I have had my plate full today, so Monday would be fine if that works best for you (since I do not work Fridays). But if you want to get it out of the way early....

Thank you for providing these, I will await the balance.

Regards,

Kelly

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**From:** Schlenk, Sarah [mailto:sschlenk@oaklandnet.com]

**Sent:** Thursday, March 15, 2012 3:19 PM

**To:** Wyatt, Kelly

**Subject:** Fwd: Responses to DOF questions on EOPS/ROPS (housing)

Kelly, please see below and attached for most but not all of the low mod related questions. Will provide additional documentation requested tomorrow and Monday.

-Sarah.

Sent from my iPhone

Begin forwarded message:

**From:** "Levin, Jeffrey" <JPLevin@oaklandnet.com>

**To:** "Schlenk, Sarah" <SSchlenk@oaklandnet.com>

**Subject:** Responses

Low and Moderate Income Housing Fund – JEFF/NORMA

5/18/2012

Page 1:

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Purchase has not yet occurred. RDA is legally obligated to purchase site under the terms of



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PENDING

Jeffrey P. Levin ([jplevin@oaklandnet.com](mailto:jplevin@oaklandnet.com))  
Manager, Housing Policy & Programs  
City of Oakland/Community & Economic Development Agency  
250 Frank Ogawa Plaza, 5th Floor  
Oakland, CA 94612  
510/238-6188 FAX: 510/238-3691  
<http://www.oaklandnet.com/hcd>

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---

From: Wyatt, Kelly [<mailto:Kelly.Wyatt@dof.ca.gov>]  
Sent: Monday, March 12, 2012 6:04 PM

5/18/2012

To: Schlenk, Sarah  
Cc: Le, Kylie  
Subject: RE: Oakland RDA EOPS

Sarah,

Thank you for your assistance in helping me to understand the obligations put on the EOPS for the City of Oakland Redevelopment Agency. This will confirm the items for which you are providing me additional documentation. As we discussed, I will need most of the documents by close of business Thursday, with the balance on Monday. I will contact you again after I have had an opportunity to review what is provided.

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Regards,

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Financial and Program Evaluator II

Department of Finance

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T: (916) 322-2985, ext. 3521

F: (916) 322-2618

**Schlenk, Sarah**

---

**From:** Schlenk, Sarah  
**Sent:** Wednesday, March 21, 2012 10:11 AM  
**To:** 'Wyatt, Kelly'  
**Subject:** FW: DOF questions re: EOPS  
**Attachments:** LCC State Grant Standard Agreement complete and signed.pdf  
One more from Low-Mod. One item remaining for Low-Mod.  
-Sarah

---

**From:** Levin, Jeffrey  
**Sent:** Tuesday, March 20, 2012 9:14 PM  
**To:** Schlenk, Sarah  
**Subject:** DOF questions re: EOPS

Here's the documentation on the obligation for building housing for Lion Creek Crossing V:

This is a condition of a grant we received from the State under the Transit Oriented Development Housing Program Infrastructure Grant program. It requires that we build 200 units of affordable housing. 72 of these units are currently under construction in the Lion Creek Crossing Phase IV development. The remaining 128 units are in the Lion Creek Crossing Phase V development. The Agency has reserved \$10 million in affordable housing funds to assist in making the development of these units feasible. See Exhibit A in the attached Standard Agreement.

We're still working on the documentation for the EOCP loan guarantee and mortgage payment contract.

---

Jeffrey P. Levin (jplevin@oaklandnet.com)  
Manager, Housing Policy & Programs  
City of Oakland/Community & Economic Development Agency  
250 Frank Ogawa Plaza, 5th Floor  
Oakland, CA 94612  
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5/18/2012

## Schlenk, Sarah

---

**From:** Schlenk, Sarah  
**Sent:** Wednesday, March 21, 2012 10:12 AM  
**To:** 'Wyatt, Kelly'  
**Subject:** RE: Responses to DOF questions on EOPS/ROPS (housing)  
**Attachments:** 17th Street Garage DDA.pdf; Fox Theater DDA.pdf; LDDA for Sears Auto Center 2000-2016 Telegraph Avenue.pdf; MacArthur Transit Village OPA.pdf; Uptown Ground Lease.pdf; Uptown LDDA.pdf

Attached are various items from Central District you requested (relevant pages only). Call me when you want to talk.

Thanks,  
Sarah

---

**From:** Schlenk, Sarah  
**Sent:** Friday, March 16, 2012 4:53 PM  
**To:** 'Wyatt, Kelly'  
**Subject:** RE: Responses to DOF questions on EOPS/ROPS (housing)

No problem. So you have it first thing Monday... attached is the Army Base contract requested.

---

**From:** Wyatt, Kelly [mailto:Kelly.Wyatt@dof.ca.gov]  
**Sent:** Thursday, March 15, 2012 3:33 PM  
**To:** Schlenk, Sarah  
**Subject:** RE: Responses to DOF questions on EOPS/ROPS (housing)

Thank you, Sarah. I have had my plate full today, so Monday would be fine if that works best for you (since I do not work Fridays). But if you want to get it out of the way early....

Thank you for providing these, I will await the balance.

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Kelly

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Sent from my iPhone

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5/18/2012

**To:** "Schlenk, Sarah" <[SSchlenk@oaklandnet.com](mailto:sschlenk@oaklandnet.com)>  
**Subject:** Responses

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