

SANTA CLARA  
C A L I F O R N I A



Julio J. Fuentes  
City Manager

June 9, 2015

Emily Harrison, Director of Finance  
County of Santa Clara  
70 West Hedding Street, East Wing 2<sup>nd</sup> Floor  
San Jose, California 95110-1705

Via e-mail: [emily.harrison@fin.sccgov.org](mailto:emily.harrison@fin.sccgov.org)

Re: **Payment Under Protest – Other Funds Due Diligence Review Payment Pursuant to Health & Safety Code § 34179.6(f)**

Dear Ms. Harrison:

By wire of this date, the Successor Agency of the Redevelopment Agency of the City of Santa Clara (the "Successor Agency") has remitted to your office the amount of \$23,002,235 which represents the amount remaining due on the Other Funds Due Diligence Review.

This remittance is in the amount required by the California Department of Finance (the "DOF") in its Other Funds Due Diligence Review determination letter to the Successor Agency dated October 3, 2013, less amounts previously withheld from the Successor Agency for payment of Enforceable Obligations on ROPS 14-15A in the amount of \$3,728,175.

Please be advised that the remittance, in the amount of \$23,002,235 (the "Protested Amount"), is being paid under protest by the Successor Agency and the Successor Agency, the City of Santa Clara and the Santa Clara Sports and Open Space Authority are not, as a result of making this payment waiving any of their rights to continue to dispute the legality of the determination made by the DOF on the Other Funds Due Diligence Review and in particular do not waive any rights the Successor Agency, the City of Santa Clara and the Santa Clara Sports and Open Space Authority they may have to appeal any decisions or orders issued in *Sharma v. Successor Agency of the Redevelopment Agency of the City of Santa Clara* (Case No. 34-2013-80001396, Sacramento Superior Court.) In the event that the DOF's determination on the Other Funds Due Diligence Review is finally determined to be incorrect, the City and SOSA expect that any overpayment made on the Other Funds Due Diligence Review will be placed on the immediately succeeding ROPS as an enforceable obligation and be reimbursed from RPTTF in accordance with Health and Safety Code Section 34183.

City Manager's Office  
1500 Warburton Avenue  
Santa Clara, CA 95050  
(408) 615-2210  
FAX (408) 241-6771  
[www.santaclaraca.gov](http://www.santaclaraca.gov)

To: Emily Harrison, County of Santa Clara  
Subject: Payment Under Protest – Other Funds Due Diligence Review Payment  
Pursuant to Health & Safety Code § 34179.6(f)  
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By remitting funds to the Auditor-Controller, the Successor Agency, the City and the Sports and Open Space Authority do not waive any constitutional, statutory, legal, or equitable rights and expressly reserves any and all rights, privileges, and defenses available under law and equity.

Please feel free to contact me if you have any questions regarding the above.

Sincerely,



Julio J. Fuentes  
City Manager/Executive Officer to Successor Agency

cc: Mayor and Council  
Senator Bob Wieckowski, California State Legislature  
Benjamin Glickman, Deputy Attorney General, California Department of Justice  
Justyn Howard, Program Budget Manager, State Department of Finance  
Alan Minato, Controller-Treasurer, County of Santa Clara  
Jeff Smith, County Executive  
James Williams, Deputy County Executive  
Don Gage, Chair Oversight Board  
Hilda Cantu Montoy  
Gary Ameling, Director of Finance/Assistant City Manager  
Richard Nosky, City Attorney  
Ruth Shikada, Assistant City Manager