



GOODWIN CONSULTING GROUP

**CITY OF FREMONT  
COMMUNITY FACILITIES DISTRICTS**

**SPECIAL TAX AND BOND ACCOUNTABILITY REPORT  
(SENATE BILL 165)**

**FISCAL YEAR 2022-23**

**January 12, 2024**

*City of Fremont*  
*Community Facilities Districts*  
*Special Tax and Bond Accountability Report*

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## ***I. INTRODUCTION***

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On September 18, 2000, former Governor Gray Davis signed Senate Bill 165 which enacted the Local Agency Special Tax and Bond Accountability Act. In approving the bill, the Legislature declared that local agencies need to demonstrate to the voters that special taxes and bond proceeds are being spent on the facilities and services for which they were intended. To further this objective, the Legislature added Sections 50075.3 and 53411 to the California Government Code (“GC”) setting forth annual reporting requirements relative to special taxes collected and bonds issued by a local public agency.

The City of Fremont (“City”) has levied special taxes in three community facilities districts (“CFDs”) in fiscal year 2022-23. Furthermore, the City has issued special tax bonds in connection with the CFDs in prior years. This report serves to satisfy the annual reporting requirements described above for the CFDs listed in the table below.

**City of Fremont  
Required SB 165 Reports for the Community Facilities Districts  
Fiscal Year 2022-23**

| <b>CFD Name</b>                     | <b>Report for GC §50075.3 Required</b> | <b>Report for GC §53411 Required</b> |
|-------------------------------------|--|--------------------------------------|
| CFD No. 1 (Pacific Commons)         | Yes                                    | Yes                                  |
| CFD No. 2 (Warm Springs Facilities) | Yes                                    | Yes                                  |
| CFD No. 3 (Warm Springs Services)   | Yes                                    | No                                   |

## ***II. SENATE BILL 165 REPORTING REQUIREMENTS***

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Pursuant to Sections 50075.3 and 53411, the chief fiscal officer of the public agency will, by January 1, 2002, and at least once a year thereafter, file a report with the governing body setting forth the following information.

### **Section 50075.3**

*Item (a): Identify the amount of special taxes that have been collected and expended.*

See Table in Appendix A for each CFD.

*Item (b): Identify the status of any project required or authorized to be funded by the special taxes.*

See Table in Appendix A for CFD. The authorized facilities to be funded from special taxes are described in Section III of this Report for each CFD.

### **Section 53411**

*Item (a): Identify the amount of bonds that have been collected and expended.*

See Table in Appendix B for each applicable CFD.

*Item (b): Identify the status of any project required or authorized to be funded from bond proceeds.*

See Table in Appendix B for each applicable CFD.

### ***III. AUTHORIZED FACILITIES AND SERVICES***

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#### **CFD No. 1 (Pacific Commons)**

##### **Authorized Facilities**

Under the provisions of the Resolution of Formation of CFD No. 1, as modified by subsequent proceedings by the City Council, the CFD is authorized to finance the following improvements: public roadways, gutters and sidewalks, traffic signals, street signage, landscaping, parks, public plazas, water distribution and fire suppression facilities, sanitary sewer facilities, storm drains, flood control facilities, natural gas and electric facilities, and any other public improvements identified in, or acquired or constructed in accordance with, the development agreement. For a complete list of authorized facilities, please see the Resolution of Formation for CFD No. 1.

##### **Authorized Services**

In addition, under the provisions of the Resolution of Formation of CFD No. 1, as modified by subsequent proceedings by the City Council, the CFD is authorized to finance the following services: maintenance and servicing of those portions of the public improvements identified above, the medians, landscaping, the perimeter trails, the project site preserve, stormwater facilities, and other public facilities as the master developer may request. For a complete list of authorized services, please see the Resolution of Formation for CFD No. 1.

#### **CFD No. 2 (Warm Springs Facilities)**

##### **Authorized Facilities**

Resolution No. 2017-92, adopted by the City Council on November 21, 2017, authorizes CFD No. 2 to finance all or a portion of the costs of acquisition, construction, and improvement of the following street improvements, including, but not limited to, grading, trenching, dry and wet utilities, final layer of finish surface, lighting, striping, signage, curb, gutters, and sidewalks:

- Insight Street
- Accelerator Avenue
- Ambition Street
- Wisdom Road (between Quantum Drive and Innovation Way)
- Synergy Street (between Accelerator Avenue and Quantum Drive)
- Quantum Drive (from Fremont Blvd. to Innovation Way)

For a complete list of authorized facilities, please see Resolution No. 2017-92.

### **CFD No. 3 (Warm Spring Services)**

#### **Authorized Services**

Resolution No. 2018-40, adopted by the City Council on June 19, 2018, authorizes CFD No. 3 to finance, in whole or in part, the maintenance, operation, and repair/replacement of enhanced public street improvements including but not limited to the following: pavement, sidewalk, pavers at intersections, trench drains, stormwater drains and filters, street lighting improvements, landscaping, and irrigation. For a complete list of authorized services, please see Resolution No. 2018-40.

**APPENDIX A**

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*Special Taxes Levied and Expended*

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**City of Fremont  
Community Facilities District No. 1  
(Pacific Commons)**

**Special Taxes Levied and Expended**  
*(As Required by CA Govt. Code Section 50075.3)*

| <b>Fiscal Year 2022-23 Revenues</b>  |                       |                     |
|--|-----------------------|---------------------|
|  | <u>Facilities Tax</u> | <u>Services Tax</u> |
| FY 2022-23 Special Tax Levied  | \$4,811,765           | \$1,213,889         |
| Delinquent Amount as of 06/30/2023   | \$0                   | \$0                 |
| FY 2022-23 Special Tax Collected   | \$4,811,765           | \$1,213,889         |
| <b>Fiscal Year 2022-23 Expenditures</b>  |                       |                     |
|  | <u>Facilities Tax</u> | <u>Services Tax</u> |
| Debt Service   | \$4,737,006           | \$0                 |
| FY 2022-23 Service Costs   | \$0                   | \$1,163,598         |
| Administrative Expenses  | \$90,559              | \$50,291            |
| Surplus Funds  | (\$15,800)            | \$0                 |
| Total  | \$4,811,765           | \$1,213,889         |
| <b>Status of Project</b>   |                       |                     |
| <u>Facilities Special Tax</u>  |                       |                     |
| Special tax revenues were used to: (i) pay debt service on the outstanding CFD bonds and (ii) pay for the costs of administering the CFD. Acquisition and construction of the authorized facilities is complete. |                       |                     |
| <u>Services Special Tax</u>  |                       |                     |
| Services special tax revenues were used to (i) pay for the costs of providing the authorized services and (ii) pay for the costs of administering the CFD. Provision of the authorized services is ongoing.      |                       |                     |



**City of Fremont  
Community Facilities District No. 2  
(Warm Springs Public Facilities)**

**Special Taxes Levied and Expended**  
*(As Required by CA Govt. Code Section 50075.3)*

| <b>Fiscal Year 2022-23 Revenues</b>  |                   |
|--|-------------------|
| FY 2022-23 Special Tax Levied  | \$1,077,309       |
| Delinquent Amount as of 06/30/2023   | <u>(\$1,450)</u>  |
| FY 2022-23 Special Tax Collected   | \$1,075,859       |
| <b>Fiscal Year 2022-23 Expenditures</b>  |                   |
| Debt Service   | \$1,076,800       |
| Administrative Expenses  | \$44,509          |
| Surplus Funds  | <u>(\$44,000)</u> |
| Total  | \$1,077,309       |
| <b>Status of Project</b>   |                   |
| <p>Special tax revenues were used to: (i) pay debt service on the outstanding CFD bonds and (ii) pay for the costs of administering the CFD. Acquisition and construction of the authorized facilities is ongoing.</p> |                   |

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**City of Fremont**  
**Community Facilities District No. 3**  
**(Warm Springs Public Services)**

**Special Taxes Levied and Expended**  
*(As Required by CA Govt. Code Section 50075.3)*

| <b>Fiscal Year 2022-23 Revenues</b>  |           |
|--|-----------|
| FY 2022-23 Special Tax Levied  | \$194,764 |
| Delinquent Amount as of 06/30/2023   | \$0       |
| FY 2022-23 Special Tax Collected   | \$194,764 |
| <b>Fiscal Year 2022-23 Expenditures</b>  |           |
| Costs of Services  | \$187,208 |
| Administrative Expenses  | \$7,556   |
| Total  | \$194,764 |
| <b>Status of Project</b>   |           |
| <p>Special tax revenues were used to: (i) pay for the costs of providing authorized services and (ii) pay for the costs of administering the CFD. Provision of the authorized services is ongoing.</p> |           |

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**APPENDIX B**

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*Bonds Collected and Expended*

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**City of Fremont**  
**Community Facilities District No. 1**  
**(Pacific Commons)**

**Bonds Collected and Expended**  
*(As Required by CA Govt. Code Section 53411)*

**Original Sources and Uses of Bond Proceeds**

|                                   |                 |
|-----------------------------------|-----------------|
| Bonds:                            | Series 2015     |
| Date of Issuance:                 | 8/6/2015        |
| Sources:                          |                 |
| Principal Amount of the Bonds     | \$79,700,000.00 |
| Original Issue Premium            | \$3,064,262.45  |
| Funds Related to Prior Bonds      | \$9,329,085.39  |
| Total                             | \$92,093,347.84 |
| Uses:                             |                 |
| Deposit to Costs of Issuance Fund | \$374,777.73    |
| Deposit to Reserve Fund           | \$5,012,468.76  |
| Deposit to Improvement Fund       | \$19,200,000.00 |
| Transfer to Escrow Agent          | \$67,011,591.38 |
| Underwriter's Discount            | \$494,509.97    |
| Total                             | \$92,093,347.84 |

**Expenditures During Fiscal Year 2022-23**

| Fund                     | Balance<br>7/1/2022 | Balance<br>6/30/2023 | Difference   |
|--------------------------|---------------------|----------------------|--------------|
| <i>Series 2015 Bonds</i> |                     |                      |              |
| Improvement Fund         | \$0.00              | \$0.00               | \$0.00       |
| Reserve Fund (1)         | \$5,015,911.20      | \$5,163,073.19       | \$147,161.99 |
| Costs of Issuance Fund   | \$0.00              | \$0.00               | \$0.00       |

**Status of Project**

Bond proceeds were used to fund the costs of the authorized facilities. Acquisition and construction of the authorized facilities is complete.

(1) Only includes the cash balance of the Reserve Fund. An additional \$1,145,000 is held in the form of a Letter of Credit.

**City of Fremont  
Community Facilities District No. 2  
(Warm Springs Public Facilities)**

**Bonds Collected and Expended**  
(As Required by CA Govt. Code Section 53411)

**Original Sources and Uses of Bond Proceeds**

|                               |                 |
|-------------------------------|-----------------|
| Bonds:                        | Series 2019     |
| Date of Issuance:             | 7/18/2019       |
| Sources:                      |                 |
| Principal Amount of the Bonds | \$16,575,000.00 |
| Original Issue Premium        | \$2,278,147.35  |
| Total                         | \$18,853,147.35 |
| Uses:                         |                 |
| Deposit to Improvement Fund   | \$17,293,724.00 |
| Deposit to Reserve Fund       | \$1,077,000.00  |
| Underwriter's Discount        | \$148,312.50    |
| Costs of Issuance             | \$334,110.85    |
| Total                         | \$18,853,147.35 |

**Expenditures During Fiscal Year 2022-23**

| Fund                     | Balance<br>7/1/2022 | Balance<br>6/30/2023 | Difference       |
|--------------------------|---------------------|----------------------|------------------|
| <i>Series 2019 Bonds</i> |                     |                      |                  |
| Improvement Fund         | \$17,474,480.99     | \$13,800,318.44      | (\$3,674,162.55) |
| Reserve Fund             | \$1,088,257.94      | \$1,092,808.04       | \$4,550.10       |
| Costs of Issuance Fund   | \$0.00              | \$0.00               | \$0.00           |

**Status of Project**

Bond proceeds are being used to fund the costs of the authorized facilities. Acquisition and construction of the authorized facilities is ongoing.