

RESOLUTION NO. 2021-116

**RESOLUTION CALLING SPECIAL MAILED BALLOT ELECTION
RESPECTING PROPOSED ANNEXATION NO. 197**

**COMMUNITY FACILITIES DISTRICT NO. 94-01 (Hesperia)
ANNEXATION NO. 197**

On Tuesday, June 22, 2021, on motion of Director Rutherford, duly seconded by Director Rowe and carried, the following resolution is adopted by the Board of Directors of the San Bernardino County Fire Protection District, State of California.

WHEREAS, reference is made to the Resolution of Intention to Annex Properties into Community Facilities District (the "Resolution of Intention"), adopted by this Board of Directors (this "Board") on May 18, 2021, for the description of the petitions received from Pipeline Petroleum Banning, LLC and Plaza Street Fund 167, LLC (collectively referred to as the "Owners"), each the sole owner of certain real property (the "Subject Property") which the Owners are requesting be annexed into the existing Community Facilities District No. 94-01 (Hesperia) ("CFD No. 94-01"); and

WHEREAS, this Board scheduled this date as the date for the public hearing with respect to the proposed annexation of the Subject Property (the "Proposed Annexation"); and

WHEREAS, on this date, this Board conducted the public hearing, and at the close of the public hearing this Board determined that a majority protest under section 53339.6 of the Government Code was not made at the hearing; and

WHEREAS, in order to proceed with the Proposed Annexation, as provided by the Resolution of Intention, the matter may be submitted to an election of the qualified electors in the territory of the Subject Property, as provided in the form of special election ballot attached hereto as Exhibit A and by this reference incorporated herein; and

WHEREAS, a certificate from the County of San Bernardino Registrar of Voters, dated March 3, 2021 (the "Certificate"), has been filed with the Secretary of this Board (the "Secretary"), certifying that there are no persons registered to vote within the territory of the Subject Property, with the result that, pursuant to section 53326 of the Government Code, the qualified electors for the proposed special election shall be the Owners;

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the San Bernardino County Fire Protection District as follows:

1. This Board finds and determines that the foregoing recitals are true and correct.
2. This Board accepts the Certificate heretofore filed in these proceedings and finds, in accordance therewith, that there presently are, and at all times during the ninety days just past there have been less than 12 registered voters within the boundaries of the Subject Property. Accordingly, under section 53326 of the Government Code, the qualified electors for the proposed special election shall be the Owners.

3. This Board further finds and determines that the Owners are the sole landowners of record of the Subject Property and the number of votes to which the Owner is entitled pursuant to said section 53326 being the number of acres rounded up to the nearest whole integer.

4. This Board further finds and determines that authorized representatives of the Owners have each filed with the Secretary (a) the special election ballot pertaining to the Subject Property and (b) waiver and consent, by which the time limits and related requirements respecting preparation and distribution of election materials are waived.

5. Pursuant to section 53326 of the Government Code, this Board hereby calls an election to be held and conducted forthwith upon adoption of this resolution, and sets this same date as the election date. Pursuant to section 53326 of the Government Code, the election shall be conducted by mailed ballot; provided that personal service of the ballot is permitted under the terms of the waiver and consent on file with the Secretary and shall therefore be permitted and ratified. The action of the Secretary in having made service of the ballot, in the form of Exhibit A, to the Owners is hereby ratified.

6. The measure to be submitted to the qualified electors of the Subject Property shall be as set forth in Exhibit A.

7. The Secretary having received the only eligible ballots prior to adoption of this resolution, shall immediately close the election and declare the results to this Board.

8. This resolution shall take effect from and after its adoption.

PASSED AND ADOPTED by the Board of Directors of the San Bernardino County Fire Protection District, State of California, by the following vote:

AYES: DIRECTORS: Col. Paul Cook (Ret.), Janice Rutherford, Dawn Rowe,
Curt Hagman, Joe Baca, Jr.

NOES: DIRECTORS: None

ABSENT: DIRECTORS: None

* * * * *

STATE OF CALIFORNIA)
) ss.
SAN BERNARDINO COUNTY FIRE PROTECTION DISTRICT)

I, **LYNNA MONELL**, Secretary of the Board of Directors of the San Bernardino County Fire Protection District, State of California, hereby certify the foregoing to be a full, true and correct copy of the record of the action taken by the Board of Directors, by vote of the members present, as the same appears in the Official Minutes of said Board at its meeting of June 22, 2021. Item #131 JLL

LYNNA MONELL
Secretary of the Board of Directors

By

Deputy

