

RESOLUTION NO. 2023-77

RESOLUTION DECLARING ELECTION RESULTS AND ORDERING ANNEXATION

COMMUNITY FACILITIES DISTRICT NO. 94-01 (Hesperia)

ANNEXATION NO. 206

On Tuesday, June 13, 2023, on motion of Director Baca, Jr., duly seconded by Director Hagman and carried, the following resolution is adopted by the Board of Directors of San Bernardino County Fire Protection District, State of California.

WHEREAS, on this date, at the time set for the public hearing in the matter of annexing certain prescribed land (the "Subject Property") to Community Facilities District No. 94-01 (Hesperia) ("CFD No. 94-01") by its Resolution of Intention to Annex Property to Community Facilities District, this Board of Directors (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, at the conclusion of the public hearing, this Board adopted its Resolution Calling Special Mailed Ballot Election pursuant to section 53339.7 of the Government Code; and

WHEREAS, by said resolution calling the election, the two questions of annexing the Subject Property and levying a special tax as previously authorized for property within CFD No. 94-01 were combined into a single ballot measure pursuant to section 53353.5 of the Government Code, as provided in the form of special election ballot attached thereto as Exhibit A; and

WHEREAS, a Certificate of Secretary regarding Receipt of Property Owner Waiver and Consent Form and Ballot and Declaring Election Results, dated this same date (the "Secretary's Certificate") executed by the Secretary of this Board (the "Secretary"), has been filed with this Board, certifying that a completed ballot has been returned to the Secretary from the sole landowner-voter eligible to cast a ballot in said special election, with all votes cast as "Yes" votes in favor of the ballot measure, and further certifying on said basis that the special mailed ballot election was closed; and

WHEREAS, this Board has received, reviewed and hereby accepts the Secretary's Certificate and wishes by this resolution to declare the results of the special mailed ballot election.

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 finds and determines and declares that the ballot measure submitted to the qualified elector of CFD No. 94-01 has been passed and approved by the qualified elector in accordance with section 53339.8 of the Government Code, and the Subject Property is hereby declared annexed to CFD No. 94-01 and made subject to the special tax of CFD No. 94-01 in accordance with the rate and method of apportionment of special tax previously approved for CFD No. 94-01.

- a. The recordation with the San Bernardino County Recorder (the “County Recorder”) of the map entitled “Proposed Boundaries of Annexation No. 206 Community Facilities District No. 94-01 (Hesperia) San Bernardino County Fire Protection District, State of California” which map is on file with the Secretary; and
- b. The preparation and recordation with the County Recorder of a notice of special tax lien in accordance with the provisions of section 3114.5 of the Streets and Highways Code and section 53328.3 of the Government Code. Said notice shall be recorded in said County Recorder’s office within fifteen days of today’s date.

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

ABSENT: DIRECTORS: None

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

LYNNA MONELL
Secretary of the Board of Directors

By _____
Deputy