

RESOLUTION NO. 2020-_____

**RESOLUTION OF INTENTION TO ANNEX PROPERTY
TO COMMUNITY FACILITIES DISTRICT**

COMMUNITY FACILITIES DISTRICT NO. 94-01 (Hesperia)

On Tuesday _____, 2020, on motion of Director _____, duly seconded by Director _____ and carried, the following resolution is adopted by the Board of Directors of the San Bernardino County Fire Protection District, State of California.

**RESOLUTION OF INTENTION TO ANNEX PROPERTY
TO COMMUNITY FACILITIES DISTRICT**

**Community Facilities District No. 94-01 (Hesperia)
Annexation No. 197**

WHEREAS, in response to a petition (the "Petition") submitted by Pipeline Petroleum Banning, LLC (the "Owner"), as the sole owner of the privately-owned real property shown on an exhibit map attached to the Petition (the "Subject Property"), this Board proposes to annex the Subject Property (Assessor Parcel Number 3064-401-07-0000 and 3064-401-08-0000) to the existing community facilities district known as "Community Facilities District No. 94-01 (Hesperia), San Bernardino County Fire Protection District, State of California" (CFD 94-01") as authorized by Article 3.5 of the Mello-Roos Community Facilities Act of 1982 (the "Act"); and

WHEREAS, the boundaries of CFD No. 94-01 are set forth in the boundary maps for CFD No. 94-01, recorded on August 7, 1996 Document No. 19960287140 in the official records of the San Bernardino County Recorder; and

WHEREAS, the boundaries of the Subject Property are shown on a map entitled "Proposed Boundaries of Annexation Map No. 197, Community Facilities District 94-01 (Hesperia), San Bernardino County Fire Protection District, State of California" which is on file with the Secretary of this Board (the "Secretary"); and

WHEREAS, Sections 53339.2 and 53339.3 of the Act provide that legal proceedings for the annexation of property to a community facilities district pursuant to the Act shall be instituted by the adoption of a resolution of this Board declaring its intention as provided hereafter in this resolution.

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

1. This Board hereby finds and determines that public convenience and necessity require that the Subject Property be annexed to the existing territory of CFD No. 94-01.
2. The types of services proposed to be provided within the Subject Property are the same as for the existing area of CFD No. 94-01, namely the funding of public services.
3. The plan for providing public services shall be the plan presently in existence, as the same may be revised from time to time by the San Bernardino County Fire Protection District.
4. Except where funds are otherwise available, a special tax will be annually levied on the Subject Property. Upon recordation of a notice of special tax lien pursuant to Section 3114.5 of the California Streets and Highways Code, a continuing lien to secure each levy of the special tax shall attach to all nonexempt real property included in the Subject Property, and this lien shall continue in force and effect in perpetuity or until the levy and collection of the special tax obligation by the San

Bernardino County Fire Protection District ceases. The rate and method of apportionment of the special tax shall be as previously established for CFD 94-01.

5. On the basis of the written consent and waiver form submitted to and on file with the Secretary of this Board by the Owner, as the landowner of 100% of the Subject Property, this Board hereby sets this same date, as soon as the matter may be heard following adoption of this resolution, in the Board Chambers on the First Floor of the County Government Center, 385 North Arrowhead Avenue, San Bernardino, California, as the time and place for the public hearing on the proposed annexation. At the hearing, testimony of all interested persons and taxpayers for or against the proposed annexation will be heard and protests will be considered from both registered voters, if any, residing within CFD No. 94-01 and persons owning real property within CFD No. 94-01. As provided by the Act, written protests by a majority of the registered voters, if any, but including a minimum of six registered voters, or by the owners of a majority in area of land within either the existing CFD No. 94-01 or the proposed annexation area will constitute a "majority protest" and will require suspension of proceedings for at least one year. Written protests must be filed with the Secretary at or before the time fixed for the hearing.

6. It is anticipated that the special tax will be billed as a separate line item on the regular property tax bill of the San Bernardino County Fire Protection District. However, this Board reserves the right, under Section 53340, to utilize any method of collecting the special tax which it shall, from time to time, determine to be in the best interests of the San Bernardino County Fire Protection District, including, but not limited to, direct billing by the San Bernardino County Fire Protection District to the property owners and supplemental billing.

7. On the basis of the information set forth in that certain certificate entitled "Voter Count Certification", on file with the Secretary of the Board, in the event that an election is held in these proceedings, it is the intention of this Board that the elector will be the Owner, as the sole landowner within the area of the Subject Property in accordance with Section 53339.7 of the Act.

8. This Board ratifies the publication by the Secretary of a notice of hearing, containing the matters specified by Section 53322 of the Act, one time in a newspaper in general circulation in the area of CFD No. 94-01, said publication having occurred no later than seven days prior to the date of the public hearing.

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:
NOES: DIRECTORS:
ABSENT: DIRECTORS:

* * * * *

STATE OF CALIFORNIA)
) ss.
COUNTY OF SAN BERNARDINO)

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 July 14, 2020.

LYNNA MONELL
Secretary of the Board of Directors

By _____
Deputy