

RESOLUTION NO. 2022-157

**RESOLUTION CALLING SPECIAL MAILED BALLOT ELECTION
RESPECTING PROPOSED ANNEXATION NO. 202**

**COMMUNITY FACILITIES DISTRICT NO. 94-01 (Hesperia)
ANNEXATION NO. 202**

On Tuesday, July 26, 2022, on motion of Director Baca, duly seconded by Director Rutherford 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 June 14, 2022, for the description of the petition received from NV Hesperia Investors, LLC and Dayco Funding Corporation (collectively referred to as the "Owners"), the owners 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 San Bernardino County Registrar of Voters, dated April 5, 2022 (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 elector 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 landowners of record of the Subject Property and the number of votes to which the Owners are 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 the authorized representative of the Owners have 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 July 26, 2022. Item #68 JLL

LYNNA MONELL
Secretary of the Board of Directors

By Janice Rutherford
Deputy

