

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.

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.

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

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

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

ABSENT: DIRECTORS: None

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

LYNNA MONELL
Secretary of the Board of Directors

By _____
Deputy