

RESOLUTION NO. 2024-21

**RESOLUTION CALLING SPECIAL MAILED BALLOT ELECTION
RESPECTING PROPOSED ANNEXATION NO. 208**

**COMMUNITY FACILITIES DISTRICT NO. 94-01 (Hesperia)
ANNEXATION NO. 208**

On Tuesday, February 27, 2024, on motion of Director Hagman, duly seconded by Director Baca, Jr., 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 December 19, 2023, for the description of the petition, as well as the petition received from Exeter Hesperia Parcel 3 Land, LLC (referred to as the "Owner"), the sole owner of certain real property (the "Subject Property") which the Owner is requesting be annexed into the existing Community Facilities District No. 94-01 (Hesperia) ("CFD No. 94-01"); and

WHEREAS, this Board scheduled February 6, 2024, as the date for the public hearing with respect to the proposed annexation of the Subject Property (the "Proposed Annexation"); and

WHEREAS, on February 6, 2024, 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, after closing the public hearing, the Board adopted Resolution No. 2024-13 calling for a special mailed ballot election of the Owner of the Subject Property, in accordance with Government Code section 53339.7, regarding the proposed annexation of the Subject Property into CFD No. 94-01; and

WHEREAS, the Secretary of the Board opened the Owner's ballot, and determined that while the Owner signed the ballot, the Owner did not complete the ballot by indicating whether the Owner's vote was for or against the annexation; and

WHEREAS, the Board continued the election to the February 27, 2024, Board of Directors meeting, so the Owner had the opportunity to submit a replacement ballot if they so desired; and

WHEREAS, to proceed forward with the special mailed ballot election, the Board desires to adopt this resolution rescinding Resolution No. 2024-13 and calling for a special mailed ballot election of the Owner of the Subject Property on today's date, in accordance with Government Code section 53339.7, regarding the proposed annexation of the Subject Property into CFD No. 94-01; 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 November 1, 2023 (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 Owner.

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 Owner.
3. This Board further finds and determines that the Owner is the sole landowner 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 the authorized representative of the Owner has 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 with return postage prepaid. The action of the Secretary in having made service of the ballot, in the form of Exhibit A, to the Owner is hereby ratified.
6. The measure to be submitted to the qualified elector of the Subject Property shall be as set forth in Exhibit A.
7. The Secretary having received the only eligible ballot 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.), Jesse Armendarez, Dawn Rowe
Curt Hagman, Joe Baca, Jr.

NOES: DIRECTORS: None

ABSENT: DIRECTORS: None

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

By _____
Deputy