

RESOLUTION NO. 2022-128

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

COMMUNITY FACILITIES DISTRICT NO. 94-01 (Hesperia)

On Tuesday June 14, 2022, on motion of Director Rowe, 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.

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

**Community Facilities District No. 94-01 (Hesperia)
Annexation No. 202**

WHEREAS, in response to petitions (collectively referred to as the "Petition") submitted by NV Hesperia Investors, LLC and Dayco Funding Corporation (collectively referred to as the "Owners"), each as the sole owner of the privately-owned real property (NV Hesperia Investors, LLC for Assessor Parcel Numbers (APNs) 0405-261-15-0000 through 0405-261-16-0000 and 0405-261-30-0000 and Dayco Funding Corporation for APNs 0405-261-17-0000 through 0405-261-18-0000, and 0405-261-27-0000 through 0405-261-29-0000) collectively referred to as APNs 0405-261-15-0000 through 0405-261-18-0000 and 0405-261-27-0000 through 0405-261-30-0000 (the "Subject Property"), this Board proposes to annex the Subject Property 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") (Government Code section 53311 et seq.); and

WHEREAS, the boundaries of CFD No. 94-01 are set forth in the boundary maps for CFD No. 94-01, recorded 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 No. 202 Community Facilities District No. 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, Government Code 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 fire suppression services.
3. The plan for providing fire suppression 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 forms submitted to and on file with the Secretary of this Board by the Owners, as the landowners of 100% of the Subject Property, this Board hereby sets July 26, 2022 at 10:00 a.m., or as soon as the matter may be heard thereafter, 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 or the territory proposed for annexation and persons owning real property within CFD No. 94-01 or the territory proposed for annexation. As provided by Section 53339.6 of the Act, written protests by 50% or more of the registered voters, or six registered voters, whichever is more, residing within CFD 94-01 or the territory proposed for annexation, or by the owners of one-half or more in the area of land within the existing CFD No. 94-01 or the territory proposed to be annexed and not exempt from the special tax 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. 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 owner(s) and supplemental billing.

7. On the basis of the information set forth in that certain certificate received from the San Bernardino County Registrar of Voters, dated April 5, 2022, and 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 electors will be the Owners, as the sole landowners within the area of the Subject Property in accordance with Section 53339.7 of the Act.

8. This Board directs 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 must occur at least 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: Col Paul Cook (Ret.), Janice Rutherford, Dawn Rowe,
Curt Hagman, Joe Baca, Jr.

NOES: DIRECTORS: None

ABSENT: DIRECTORS: None

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

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 June 14, 2022. #91, CCM

LYNNA MONELL
Secretary of the Board of Directors

By _____

