

Resolution 24-40

Resolution of the Board Of Directors of the San Miguel Consolidated Fire Protection District Calling a Special Landowner Election for San Miguel Consolidated Fire Protection District Community Facilities District 2022-1 (Annexation 5, APN 503-261-07-00)

WHEREAS, the Board of Directors (the "Board") of the San Miguel Consolidated Fire Protection District (the "District") has heretofore conducted proceedings for the establishment of and has established the San Miguel Consolidated Fire Protection District, Community Facilities District 2022-1, County of San Diego, State of California ("CFD 2022-1") for the purpose of levying special taxes on parcels of taxable property therein for the purpose of providing certain services which are necessary to meet increased demands placed upon the District as a result of the development of said real property; and

WHEREAS, the Board is authorized by California Government Code Article 3.5 (commencing with Section 53339) of Chapter 2.5 of Part 1 of Division 2 of Title 5, commonly known as the "Mello-Roos Community Facilities Act of 1982," (the "Act") to annex territory to CFD 2022-1 by complying with the procedures set forth in said Article 3.5; and

WHEREAS, on July 24, 2024, the Board adopted Resolution 24-38, a resolution of intention to annex territory to CFD 2022-1 pursuant to Section 53339.2 of the Act, determining that the public convenience and necessity require that certain property, consisting of approximately 0.76 acres, known as Annexation 5 be annexed to CFD 2022-1 and containing all of the matters prescribed by Section 53339.3 of the Act, and fixing 5:30 p.m. on September 11, 2024, in the in the Board Room, located at 2850 Via Orange Way, Spring Valley, CA 91978, as the time and place for a hearing upon said resolution; and

WHEREAS, pursuant to said resolution, the Board Clerk has published and mailed notice of the time and place of said hearing as required by Section 53339.4 of the Act; and

WHEREAS, on September 11, 2024, at the time and place of said hearing, the Board afforded all interested persons for or against the annexation of said property to CFD 2022-1 an opportunity to present testimony and to protest against the proposed annexation of said property to CFD 2022-1, and no protests, either oral or in writing, were received; and

WHEREAS, pursuant to Section 53339.7 of the Act, the Board may now submit the question of levying a special tax within the territory proposed to be annexed to CFD 2022-1 to the qualified electors within that territory.

NOW, THEREFORE, BE IT RESOLVED that the Board of the San Miguel Consolidated Fire Protection District, California, hereby:

Section 1.

Findings. The Board finds that: (i) the foregoing recitals are correct; (ii) less than twelve (12) persons have been registered to vote within the territory proposed to be annexed to CFD 2022-1 during the ninety (90) days preceding the close of the public hearing on September 11, 2024; (iii) pursuant to California Government Code Section 53326, as a result of the findings set forth in clause (ii) above, the vote in the special election called by this resolution shall be by the landowners of the territory proposed to be annexed to CFD 2022-1 whose property would be subject to the special taxes if they were levied at the time of the election, and each landowner shall have one (1) vote for each acre, or portion thereof, which they own within the said territory, which would be subject to the proposed special taxes if they were levied at the time of the election; (iv) pursuant to said Section 53326, the special election must be held at least ninety (90) days, but not more than one hundred eighty (180) days following the date of the adoption of this resolution, unless such time periods are waived with the unanimous waiver of the qualified electors. All of the qualified electors in the territory to be annexed waived the time limits and election formalities of the special election.

Section 2.

Call of Election. The Board hereby calls and schedules a special election for September 11, 2024, on the proposition with respect to the annual levy of special taxes within the territory proposed to be annexed to CFD 2022-1 for paying the cost of the services to be provided within and for the benefit of the territory proposed to be annexed to CFD 2022-1.

Section 3.

Propositions. The propositions to be submitted to the voters of CFD 2022-1 at such special election shall be as follows:

PROPOSITION A

Shall the San Miguel Consolidated Fire Protection District Community Facilities District 2022-1 ("CFD 2022-1"), County of San Diego, State of California, subject to accountability measures set forth in California Government Code Section 50075.1, levy special taxes throughout Annexation 5 to such community facilities district pursuant to the method of apportioning the special tax set forth in Attachment A to this Official Ballot for the purpose of financing public services, including but not limited to the services set forth in Attachment B to this Official Ballot to meet the increased demand for such services resulting from new development within Annexation 5 thereto and the cost of administering the levy and collection of the special taxes and CFD 2022-1?

Section 4.

Conduct of Election. Except as otherwise provided in Section 5 hereof, said election shall be conducted by the Board Clerk of the District pursuant to the California Elections Code governing mail ballot elections, and in particular, the provisions of Division 4 (commencing with Section 4000) of said Code, insofar as they may be applicable.

Section 5.

Election Procedures. The procedures to be followed in conducting the special election on the levy of Special Taxes to pay the annual costs of the Services to the qualified electors of the territory to be annexed to CFD 2022-1 (the "Special Election") shall be as follows:

- a) Pursuant to said California Government Code Section 53326, ballots for the special election shall be distributed to the qualified electors by the Board Clerk by mail with return postage prepaid, or by personal service.
- b) Pursuant to applicable sections of the California Elections Code governing the conduct of mail ballot elections, and specifically Division 4 (commencing with Section 4000) of the California Elections Code with respect to elections conducted by mail, the Board Clerk shall mail or deliver to each qualified elector an official ballot in the form attached hereto as Exhibit "A," and shall also mail or deliver to all such qualified electors a ballot pamphlet and instructions to voter, including a sample ballot identical in form to the official ballot but identified as a sample ballot, a return identification envelope with prepaid postage thereon addressed to the Board Clerk for the return of voted official ballots, and a copy of Resolution 24-38; provided, however, that such statement, analysis and arguments may be waived with the unanimous consent of all the landowners.
- c) The official ballot to be mailed or delivered by the Board Clerk to each landowner-voter shall have printed or typed thereon the name of the landowner-voter and the number of votes to be voted by the landowner-voter and shall have appended to it a certification to be signed by the person voting the official ballot which shall certify that the person signing the certification is the person who voted the official ballot, and if the landowner-voter is other than a natural person, that they are an officer of or other person affiliated with the landowner-voter entitled to vote such official ballot, that they have been authorized to vote such official ballot on behalf of the landowner-voter, that in voting such official ballot it was his or her intent, as well as the intent of the landowner-voter, to vote all votes to which the landowner-voter is entitled based on its land ownership on the propositions set forth in the official ballot as marked thereon in the voting square opposite each such proposition, and further certifying as to the acreage of the landowner-voter's land ownership within the territory proposed to be annexed to CFD 2022-1.
- d) The return identification envelope mailed or delivered by the Board Clerk to each landowner-voter shall have printed or typed thereon the following: (i) the name of the landowner, (ii) the address of the landowner, (iii) a declaration under penalty of perjury stating that the voter is the landowner or the authorized representative of the landowner entitled to vote the enclosed ballot and is the person whose name appears on the identification envelope, (iv) the printed name and signature of the voter, (v) the address of the voter, (vi) the date of signing and place of execution of said declaration, and (vii) a notice that the envelope contains an official ballot and is to be opened only by the Board Clerk.

- e) The instruction to voter form to be mailed or delivered by the Board Clerk to the landowner-voters shall inform them that the official ballots shall be returned to the Board Clerk properly voted as provided thereon and with the certification appended thereto properly completed and signed in the sealed return identification envelope with the certification thereon completed and signed and all other information to be inserted thereon properly inserted by 5:30 p.m. on September 11, 2024.
- f) Upon receipt of the return identification envelopes, which are returned prior to the voting deadline on the date of the election, the Board Clerk shall canvass the votes cast in the special election, and shall file a statement with the Board as to the results of such canvass and the election on each proposition set forth in the official ballot.

Section 6.

Effective Date. This Resolution shall take effect immediately from and after the date of its passage and adoption.

BE IT FURTHER RESOLVED AND ORDERED The Board Clerk shall certify the passage and adoption of this resolution and enter it into the book of original resolutions.

PASSED AND ADOPTED by the Board of Directors of the San Miguel Consolidated Fire Protection District this 11th day of September 2024, by the following vote:

AYES: **Directors McKenna, Nelson, Pierce, Raddatz and Robles**

NOES: **None**

ABSTAIN: **None**

ABSENT: **Directors Muns and Woodruff**

ATTEST



Shayna Rians, Board Clerk



Jesse A. Robles, Board President