

RESOLUTION NO. 2022-248

**RESOLUTION OF THE MAYOR AND CITY COUNCIL OF
THE CITY OF SAN BERNARDINO, CALIFORNIA
DECLARING ELECTION RESULTS FOR COMMUNITY
FACILITIES DISTRICT NO. 2019-1 (MAINTENANCE
SERVICES) (ANNEXATION NO. 25)**

WHEREAS, the Mayor and City Council (the "City Council") of the City of San Bernardino (the "City") has heretofore conducted proceedings for the area proposed to be annexed to Community Facilities District No. 2019-1 (Maintenance Services) (the "CFD No. 2019-1") of the City of San Bernardino, including conducting a public hearing pursuant to Section 53339.5 of the Government Code; and

WHEREAS, at the conclusion of said public hearing, the Mayor and City Council adopted a Resolution No. 2022-247 calling a special election for December 7, 2022, and submitting to the qualified electors of the territory to be annexed to the CFD No. 2019-1 the question 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 City as a result of the development of said real property as provided in the form of special election ballot; and

WHEREAS, a Certificate of Election Results, attached thereto as Exhibit A, dated December 7, 2022, executed by the City Clerk (or, in the absence of the City Clerk, the Acting City Clerk – in either case, the "Clerk"), has been filed with this Council, certifying that a completed ballot has been returned to the Clerk for each landowner-voter(s) eligible to cast a ballot in said special election, with all votes cast as "Yes" votes in favor of the ballot measure, and further certifying on said basis that the special mailed-ballot election was closed; and

WHEREAS, this Council has received, reviewed and hereby accepts the Clerk's Certificate of Election Results and wishes by this resolution to declare the results of the special mailed-ballot election.

**BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF
SAN BERNARDINO AS FOLLOWS:**

SECTION 1. The above recitals are true and correct and are incorporated herein by this reference.

SECTION 2. Ballot Measure. This Council hereby finds, determines and declares that the ballot measure submitted to the qualified electors of the territory to be annexed to CFD No. 2019-1 has been passed and approved by those qualified electors in accordance with Sections 53328 and 53329 of the Government Code.

SECTION 3. Annexation. This Council hereby finds, determines and declares that pursuant to Section 53339.8 of the Government Code, the Mayor and City Council is authorized to determine that the territory to be annexed has been added to and become a part of the CFD No. 2019-1 with full legal effect, and the Mayor and City Council is also authorized, pursuant to said

Section 53339.8, to annually levy special taxes within the territory to be annexed to pay the costs of the services to be provided by the CFD No. 2019-1 as specified in Resolution No. 2022-232 adopted by the Mayor and City Council on November 2, 2022. The boundaries of the territory annexed are shown on the map entitled, "Annexation Map No. 25 Community Facilities District No. 2019-1 (Maintenance Services)" a copy of which was recorded, on November 3, 2022, in Book 90 of Maps of Assessment and Community Facilities Districts at Page 74, in the office of the San Bernardino County Recorder.

SECTION 4. Notice of Special Tax Lien. Pursuant to Section 53339.8 of the Government Code and Section 3117.5 of the Streets and Highways Code, the City Clerk shall cause to be filed with the County Recorder of the County of San Bernardino an amendment of the notice of special tax lien and a map of the amended boundaries of the CFD No. 2019-1 including the annexed territory.

SECTION 5. The Mayor and City Council finds this Resolution is not subject to the California Environmental Quality Act (CEQA) in that the activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty, as in this case, that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.

SECTION 6. Severability. If any provision of this Resolution or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications, and to this end the provisions of this Resolution are declared to be severable.

SECTION 7. Effective Date. This Resolution shall become effective immediately.

APPROVED and **ADOPTED** by the City Council and signed by the Mayor and attested by the City Clerk this ____ day of _____ 2022.

John Valdivia, Mayor
City of San Bernardino

Attest:

Genoveva Rocha, CMC, City Clerk

Approved as to form:

Sonia Carvalho, City Attorney

CERTIFICATION

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

I, Genoveva Rocha, CMC, City Clerk, hereby certify that the attached is a true copy of Resolution No. 2022-248, adopted at a regular meeting held on the ____ day of _____ 2022 by the following vote:

| <u>Council Members:</u> | <u>AYES</u> | <u>NAYS</u> | <u>ABSTAIN</u> | <u>ABSENT</u> |
|--------------------------------|--------------------|--------------------|-----------------------|----------------------|
| SANCHEZ | _____ | _____ | _____ | _____ |
| IBARRA | _____ | _____ | _____ | _____ |
| FIGUEROA | _____ | _____ | _____ | _____ |
| SHORETT | _____ | _____ | _____ | _____ |
| REYNOSO | _____ | _____ | _____ | _____ |
| CALVIN | _____ | _____ | _____ | _____ |
| ALEXANDER | _____ | _____ | _____ | _____ |

WITNESS my hand and official seal of the City of San Bernardino this ____ day of _____ 2022.

Genoveva Rocha, CMC, City Clerk