

RESOLUTION NO. 2022-267

**RESOLUTION OF THE MAYOR AND CITY COUNCIL OF
THE CITY OF SAN BERNARDINO, CALIFORNIA,
DECLARING ITS INTENTION TO ANNEX TERRITORY
INTO COMMUNITY FACILITIES DISTRICT NO. 2019-1
(MAINTENANCE SERVICES) OF THE CITY OF SAN
BERNARDINO, ADOPTING A MAP OF THE AREA TO BE
PROPOSED (ANNEXATION NO. 30) AND AUTHORIZING
THE LEVY OF A SPECIAL TAXES THEREIN**

WHEREAS, pursuant to the Mello-Roos Community Facilities Act of 1982 (the “Act”), on June 5, 2019, the Mayor and City Council (the “City Council”) of the City of San Bernardino (the “City”) approved Resolution No. 2019-081 establishing Community Facilities District No. 2019-1 (Maintenance Services) of the City of San Bernardino, County of San Bernardino, State of California, defined the "CFD No. 2019-1", 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 City; and

WHEREAS, the Mayor and City Council has received a written instrument from the landowner in the CFD No. 2019-1 to initiate and conduct proceedings pursuant to the Act, to annex territory to CFD No. 2019-1 and consenting to the shortening of election time requirements, waiving analysis and arguments, and waiving all notice requirements relating to the conduct of the election; and

WHEREAS, the Mayor and City Council has been advised that certain property owners have requested that the area shown in Exhibit D be annexed territory to the boundaries of CFD No. 2019-1, that a rate and method of apportionment of the special tax to be levied therein be established.

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

SECTION 1. Intent to Annex. The Mayor and City Council hereby declares that it proposes and intends to conduct proceedings pursuant to Article 3.5 for the annexation to the Community Facilities District of the territory described in Exhibit A attached hereto. The Mayor and City Council determines that the public convenience and necessity require that such territory be annexed to the Community Facilities District.

SECTION 2. Name of the Community Facilities District. The name of the existing Community Facilities District is known as “Community Facilities District No. 2019-1 (Maintenance Services)”.

SECTION 3. Description of Territory Proposed to be Annexed, Annexation Map. The territory proposed to be annexed are included within the boundaries within which property may annex to CFD No. 2019-1 and are more particularly described and shown on that certain map

entitled “Boundaries – Potential Annexation Area Community Facilities District No. 2019-1 (Maintenance Services) of the City of San Bernardino, County of San Bernardino, State of California,” as recorded on June 6, 2019 in Book 88 of Maps of Assessment and Community Facilities District, Page 33, and as Instrument No. 2019-0185395 in the official records of the County of San Bernardino. The territory proposed to be annexed to the CFD No. 2019-1 is described in Exhibit A, attached hereto, and by this reference made a part hereof. Such territory is also shown and described on the map thereof entitled "Annexation Map No. 30, Community Facilities District No. 2019-1 (Maintenance Services), City of San Bernardino, County of San Bernardino, State of California," which is on file with the City Clerk (the "Annexation Map") and attached hereto as Exhibit D.

SECTION 4. Description of Authorized Services. The services proposed to be financed by CFD No. 2019-1 (the “Services”) are described in Exhibit B attached hereto. The cost of providing the Services includes “incidental expenses,” which include costs associated of CFD No. 2019-1, determination of the amount of special taxes, collection or payment of special taxes, or costs otherwise incurred in order to carry out the authorized purposes of CFD No. 2019-1. The Services authorized to be financed by CFD No. 2019-1 are in addition to those currently provided in the territory of CFD No. 2019-1 and do not supplant services already available within that territory.

SECTION 5. Levy of Special Taxes. Except where funds are otherwise available, a special tax sufficient to pay the costs of the Services (including incidental expenses), secured by recordation of a continuing lien against all nonexempt real property in CFD No. 2019-1, will be levied annually within CFD No. 2019-1. The Rate and Method of Apportionment, and manner of collection of the special tax, are specified in Exhibit C.

SECTION 6. Adoption of Annexation Map. Pursuant to Section 3110.5 of the Streets and Highways Code, the Mayor and City Council adopts the Annexation Map as the map of the area proposed to be annexed to the CFD No. 2019-1. Pursuant to Section 3111 of said Code, the City Clerk shall file the original of the Annexation map in his office and shall file a copy of the Annexation Map with the County Recorder of the County of San Bernardino no later than 15 days prior to the date of the hearing specified in Section 7 hereof.

SECTION 7. Public Hearing. The Mayor and City Council hereby fixes 7:00 p.m., or as soon thereafter as practicable, on Wednesday, January 18, 2023, at the Bing Wong Auditorium of the Norman F. Feldheim Public Library at 555 W. 6th Street, San Bernardino, California, 92410, as the time and place when and where the Mayor and City Council will conduct a public hearing on the proposed annexation of the said territory to the CFD No. 2019-1.

SECTION 8. Notice of Public Hearing. The City Clerk is hereby directed to publish, or cause to be published, a notice of said public hearing, in substantially the form attached hereto as Exhibit F, one time in a newspaper of general circulation published in the area of CFD No. 2019-1. The publication of said notice shall be completed at least seven days prior to the date herein fixed for said hearing. Said notice shall contain the information prescribed by Section 53322 of the Act.

SECTION 9. Mailing Ballots. In anticipation of its action on Wednesday January 18, 2023, to call the election on the annexation for the same date, pursuant to waiver of election time limits from the landowners, the Mayor and City Council hereby authorizes the City Clerk to mail to each landowner in the territory proposed to be annexed to the CFD No. 2019-1 a ballot in substantially the form set forth in Exhibit G hereto. A copy of the waiver and consent form signed by the property owner is attached hereto as Exhibit E and incorporated herein by this reference.

SECTION 10. That 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 11. 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 12. 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 7th day of December 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. 2022-267, adopted at a regular meeting held on the 7th day of December 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