

Resolution 24-37

Resolution of the Board of Directors of the San Miguel Consolidated Fire Protection District Declaring Results of Special Landowner Election and Directing Recording of Notice of Special Tax Lien for San Miguel Consolidated Fire Protection District Community Facilities District 2022-1, Annexation 4

WHEREAS, the Board of Directors (the "Board") of the San Miguel Consolidated Fire Protection District (the "District") has heretofore conducted proceedings for the annexation of approximately 0.49 acres of land to the San Miguel Consolidated Fire Protection District, Community Facilities District No. 2022-1, County of San Diego, State of California ("CFD No. 2022-1") including conducting a public hearing pursuant to Section 53339.5 of the Government Code; and

WHEREAS, at the conclusion of said public hearing, the Board adopted a resolution calling a special election for July 24, 2024, and submitting to the qualified electors of the territory to be annexed, known as Annexation No. 4 to CFD No. 2022-1 the question of levying special taxes within that territory to pay the costs of certain services and the costs associated with the determination of the amount of and levy and collection of special taxes, which will be levied to provide the services and costs otherwise incurred in order to carry out the authorized purposes of CFD No. 2022-1 (the "Election Resolution").

WHEREAS, the Board has received a statement from the Board Clerk, who pursuant to the Election Resolution was authorized to conduct such special election and act as the election official therefor, with respect to the canvass of the ballots returned in and the results of said special election, certifying that at least two-thirds of the votes cast upon the proposition submitted to the qualified electors in said special election were in favor of such proposition.

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

Section 1.

Recitals. The above recitals are all true and correct.

Section 2.

Findings. The Board finds that: (i) there are no registered voters residing within the territory proposed to be annexed to CFD No. 2022-1 ("Annexation No. 4") at the time of the close of the public hearing on July 24, 2024, and pursuant to Section 53326 of the Government Code, the vote in said special election was, therefore, to be by the landowners owning land within Annexation No. 4, with each landowner having one vote for each acre or portion thereof of land that he or she owned within Annexation No. 4; (ii) pursuant to said Section 53326 and the Election Resolution, the Board Clerk caused to be delivered an official ballot for the special election to the owner of the land within Annexation No. 4, with return postage prepaid; (iii) said special election has been properly conducted in accordance

with all statutory requirements and the provisions of the Election Resolution; (iv) pursuant to said Section 53326, BPI 1 E&P LLC, the owner of all the land within Annexation No. 4, was entitled to one (1) votes; (v) said landowner returned its ballot to the Board Clerk prior to the time set by the Board Clerk for the close of the election on July 24, 2024; (vi) the ballot returned to the Board Clerk by said landowner voted all votes of said landowner in favor of the proposition set forth therein; (vii) at least two-thirds of the votes cast in such special election on said proposition were in favor thereof, and pursuant to Sections 53328 and 53329 of the Government Code, said proposition carried; (viii) pursuant to Section 53339.8 of the Government Code, the Board is authorized to determine that Annexation No. 4 to be annexed has been added to and become a part of CFD No. 2022-1 with full legal effect; and (ix) the Board is also authorized, pursuant to said Section 53339.8, to annually levy special taxes within Annexation No. 4 to pay the costs of the services to be provided by CFD No. 2022-1.

Section 3.

Declaration of Results. At least two-thirds of the votes voted in the special election on the proposition of the annual levy of special taxes within Annexation No. 4 to pay the costs of the services to be provided by CFD No. 2022-1 were voted in favor thereof, and such proposition carried.

Section 4.

Annexation. Annexation No. 4 is annexed and added to and is a part of CFD No. 2022-1 with full legal effect, and the Board shall annually levy special taxes within Annexation No. 4 at the rates as specified in Resolution No. 24-24 adopted by the Board on June 12, 2024, to pay costs of certain services to be provided by CFD No. 2022-1. The boundaries of Annexation No. 4 are shown on the map entitled, "Annexation Map No. 4 of Community Facilities District No. 2022-1, San Miguel Consolidated Fire Protection District, County of San Diego, State of California," which was recorded on June 17, 2024, in the office of the County Recorder of the County of San Diego as Instrument No. 2024-7000278.

Section 5.

Notice. Pursuant to Section 53339.8 of the Government Code and Section 3117.5 of the Streets and Highways Code, the Board Clerk shall cause to be filed with the County Recorder of the County of San Diego an amendment of the notice of special tax lien and a map of the amended boundaries of CFD No. 2022-1 including Annexation No. 4.

Section 6.

Entry of the Election Results in the Minutes. The Board Clerk is hereby directed, pursuant to the provisions of the Elections Code of the State of California, to enter in the minutes the results of the election as set forth in said Certificate of Election Official.

Section 7.

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 the San Miguel Consolidated Fire Protection District this 24th day of July 2024, by the following vote:

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

NOES: **None**

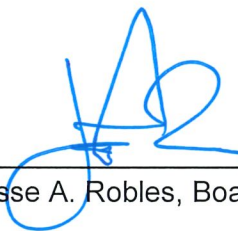
ABSTAIN: **None**

ABSENT: **None**

ATTEST



Shayna Rians, Board Clerk



Jesse A. Robles, Board President

EXHIBIT "A"

CERTIFICATE OF ELECTION OFFICIAL
AND STATEMENT OF VOTES CAST

STATE OF CALIFORNIA)
COUNTY OF SAN DIEGO)
SAN MIGUEL CONSOLIDATED FIRE PROTECTION DISTRICT)

The undersigned, ELECTION OFFICIAL OF THE SAN MIGUEL CONSOLIDATED FIRE PROTECTION DISTRICT, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, DOES HEREBY CERTIFY that pursuant to the provisions of Section 53326 of the Government Code and Division 12, commencing with Section 17000 of the Elections Code of the State of California, I did canvass the returns of the votes cast at the


SAN MIGUEL CONSOLIDATED FIRE PROTECTION DISTRICT
COMMUNITY FACILITIES DISTRICT NO. 2022-1,
COUNTY OF SAN DIEGO, STATE OF CALIFORNIA
SPECIAL ELECTION
(ANNEXATION NO. 4)

in said District, held July 24, 2024.

I FURTHER CERTIFY that this Statement of Votes Cast shows the whole number of votes cast in Annexation No. 4 to be annexed to CFD No. 2022-1 in such District, and the whole number of votes cast for the Proposition in Annexation No. 4 to be annexed to CFD No. 2022-1 in said District, and the totals of the respective columns and the totals as shown for the Proposition are full, true and correct.

1. VOTES CAST ON PROPOSITION A: YES 1
NO 0

WITNESS my hand this 24th day of July 2024.



BOARD CLERK
ELECTION OFFICIAL
SAN MIGUEL CONSOLIDATED FIRE
PROTECTION DISTRICT
STATE OF CALIFORNIA