

## ***Resolution 24-41***

### **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 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 annexation of approximately 0.76 acres of land to the San Miguel Consolidated Fire Protection District, Community Facilities District 2022-1, County of San Diego, State of California ("CFD 2022-1") including conducting a public hearing pursuant to Government Code Section 53339.5; and

**WHEREAS**, at the conclusion of said public hearing, the Board adopted a resolution calling a special election for September 11, 2024, and submitting to the qualified electors of the territory to be annexed, known as Annexation 5 to CFD 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 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 2022-1 ("Annexation 5") at the time of the close of the public hearing on September 11, 2024, and pursuant to Government Code Section 53326, the vote in said special election was, therefore, to be by the landowners owning land within Annexation 5, with each landowner having one vote for each acre or portion thereof of land that they owned within Annexation 5; (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 5, 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, BC LAMAR, LLC, the owner of all the land within Annexation 5, 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 September 11, 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 Government Code Sections 53328 and 53329, said proposition carried; (viii) pursuant to Government Code Section 53339.8, the Board is authorized to determine that Annexation 5 to be annexed has been added to and become a part of CFD 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 5 to pay the costs of the services to be provided by CFD 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 5 to pay the costs of the services to be provided by CFD 2022-1 were voted in favor thereof, and such proposition carried.

Section 4.

Annexation. Annexation 5 is annexed and added to and is a part of CFD 2022-1 with full legal effect, and the Board shall annually levy special taxes within Annexation 5 at the rates as specified in Resolution 24-38 adopted by the Board on July 24, 2024, to pay costs of certain services to be provided by CFD 2022-1. The boundaries of Annexation 5 are shown on the map entitled, "Annexation Map 5 of Community Facilities District 2022-1, San Miguel Consolidated Fire Protection District, County of San Diego, State of California," which was recorded on July 30, 2024, in the office of the County Recorder of the County of San Diego as Instrument 2024-7000367.

Section 5.

Notice. Pursuant to Government Code Section 53339.8 and Streets and Highways Code Section 3117.5, 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 2022-1 including Annexation 5.

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 Directors of the San Miguel Consolidated Fire Protection District this 11<sup>th</sup> 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

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 Government Code Section 53326 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 2022-1,  
COUNTY OF SAN DIEGO, STATE OF CALIFORNIA  
SPECIAL ELECTION  
(ANNEXATION 5)

in said District, held September 11, 2024.

I FURTHER CERTIFY that this Statement of Votes Cast shows the whole number of votes cast in Annexation 5 to be annexed to CFD 2022-1 in such District, and the whole number of votes cast for the Proposition in Annexation 5 to be annexed to CFD 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 11<sup>th</sup> day of September 2024.

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