

RESOLUTION NO. 2022-11

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HESPERIA, STATE
OF CALIFORNIA, CALLING A SPECIAL ELECTION FOR A COMMUNITY
FACILITIES DISTRICT**

**CITY OF HESPERIA
COMMUNITY FACILITIES DISTRICT NO. 2021-1
(RESIDENTIAL MAINTENANCE AND SERVICES)**

WHEREAS, this City Council (the "City Council") of the City of Hesperia (the "City") adopted a resolution entitled "A Resolution of the City Council of the City of Hesperia, State of California, Establishing the Formation of a Community Facilities District and Future Annexation Area" (the "Resolution of Formation"), ordering the formation of the City of Hesperia, Community Facilities District No. 2021-1 (Residential Maintenance and Services) (the "District"), defining the public services (the "Services") to be provided by the District and Future Annexation Area, authorizing the levy of a special tax on property within the District and preliminarily establishing an appropriations limit for the District, all pursuant to the Mello-Roos Community Facilities Act of 1982 (Sections 53311 and following, California Government Code; hereafter referred to as the "Act"); and

WHEREAS, pursuant to the provisions of the Resolution of Formation, the propositions of the levy of the special tax and the establishment of the appropriations limit shall be submitted to the qualified electors of the District as required by the provisions of the Act.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF HESPERIA CITY COUNCIL AS FOLLOWS:

Section 1. The foregoing recitals are true and correct.

Section 2. Pursuant to the Act, the issues of the levy of the special tax and the establishment of the appropriations limit shall be submitted to the qualified electors (as defined below) of the District at a special election called therefor as provided below.

Section 3. The City Council hereby finds that fewer than 12 persons have been registered to vote within the territory of the District for each of the ninety (90) days preceding the close of the public hearing heretofore conducted and concluded by this City Council for the purposes of these proceedings. Accordingly, and pursuant to Section 53326 of the Act, this City Council finds that, for these proceedings, the qualified electors are the landowners within the District and that the vote shall be by such landowners or their authorized representatives, each having one vote for each acre or portion thereof such landowner owns in the District as of the close of the public hearing.

Section 4. The City Council hereby calls a special election to consider the issues described in Section 2, above, which special election shall be held on February 15, 2022, and the results thereof canvassed at the meeting of this City Council on February 15, 2022. The City Clerk is hereby designated as the official to conduct the special election and to receive all ballots until the close of business on the special election date. It is hereby acknowledged that the City Clerk has on file the Resolution of Formation, a map of the boundaries of the District, and a sufficient description to allow the City Clerk to determine the electors of

the District. The special election shall be conducted by messenger or mail-delivered ballot in accordance with the Act.

Section 5. As authorized by Section 53353.5 of the Act, the issues described in Section 2 above shall be combined into a single ballot measure, the form of which is attached hereto as Exhibit A is hereby approved. The City Clerk is hereby authorized and directed to cause a ballot, in substantially the form of Exhibit A, to be delivered to each of the qualified electors of the District. Each ballot shall indicate the number of votes to be voted by the respective landowner to which the ballot pertains. Each ballot shall be accompanied by all supplies and written instructions necessary for the use and return of the ballot. The envelope to be used to return the ballot shall be enclosed with the ballot, have the return postage prepaid, and contain the following: (a) the name and address of the landowner, (b) a declaration, under penalty of perjury, stating that the voter is the owner of record or authorized representative of the landowner entitled to vote and is the person whose name appears on the envelope, (c) the printed name, signature and address of the voter, (d) the date of signing and place of execution of the declaration pursuant to clause (b) above, and (e) a notice that the envelope contains an official ballot.

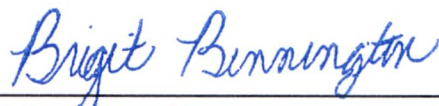
Section 6. This City Council hereby further finds that the provisions of Section 53326 of the Act requiring a minimum of 90 days following the adoption of the Resolution of Formation to elapse before the special election are for the protection of the qualified electors of the District. There is on file with the City Clerk a written waiver executed by all of the qualified electors of the District allowing for a shortening of the time for the special election to expedite the process of formation of the District and waiving any requirement for notice, analysis, and arguments in connection with the special election. Accordingly, this City Council finds and determines that the qualified electors have been fully apprised of and have agreed to the shortened time for the special election and waiver of analysis and arguments, and have thereby been fully protected in these proceedings. This City Council also finds and determines that the City Clerk has concurred in the shortened time for the special election. Analysis and arguments with respect to the ballot measures are hereby waived, as provided in Section 53327 of the Act.

Section 7. If two-thirds (2/3) of the votes cast upon the question of levying such special tax and establishing the appropriations limit are cast in favor of the proposition after the canvass of the returns of such special election, the City Council may levy such special tax within the District under the Act in accordance with the approved rate and method of apportionment of special tax. Such special tax may be levied only at the rate and may be apportioned only in the manner specified in the Resolution of Formation, subject to the Act, except that the special tax may be levied at a rate lower than that specified herein and the maximum annual tax rate may be lowered.

Section 8. Under Section 50075.1 of the Government Code, the following accountability provisions shall apply to the special taxes: (a) the operation and maintenance Services and the incidental costs thereof t, all as defined in the Resolution of Formation, shall constitute the specific purpose; (b) the proceeds shall be applied only to the specific purposes identified in (a) above; (c) there shall be created special account(s) or funds(s) into which the proceeds shall be deposited; and (d) there shall be caused to be prepared an annual report as required by Section 50075.3 of the Government Code.

Section 9. That City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.

ADOPTED AND APPROVED this 15th day of February, 2022.



Brigit Bennington, Mayor

Attest:



Erin Baum, Assistant City Clerk

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

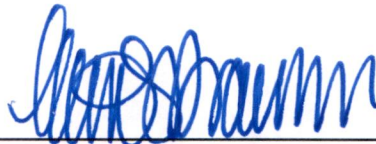
I, Erin Baum, Assistant City Clerk of the City of Hesperia, California, do hereby certify that Resolution No. 2022-11 was duly adopted by the City Council of the City of Hesperia, California at a Regular Meeting thereof held on the 15th day of February, 2022 by the following vote to wit:

AYES: Bird, Bennington, Gregg, Holland, Swanson

NOES: None

ABSTAIN: None

ABSENT: None



Erin Baum, Assistant City Clerk



I, _____, Assistant City Clerk of the City of Hesperia, California, do hereby certify that the foregoing Resolution No. 2022-11 is a full, true and correct copy of that now in file in this office.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the City of Hesperia, California, this _____ day of _____, 20____.

Erin Baum, Assistant City Clerk

