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WHEREAS, on June 13, 2023, the City Council (the “City Council”) of the City of Rialto (the “City”), pursuant to the Mello-Roos Community Facilities Act of 1982 (the “Act”), adopted a resolution entitled “A Resolution of the City Council of the City of Rialto of Intention to Annex Territory to City of Rialto Community Facilities District No. 2016-1 (Public Services) and to Authorize the Levy of Special Taxes Therein” stating its intention to annex certain territory (the “Additional Territory”) to City of Rialto Community Facilities District No. 2016-1 (Public Services) (the “Community Facilities District”), and to authorize the levy of special taxes (the “Special Taxes”) within the Additional Territory to provide and finance certain public services (the “Services”), and setting July 25, 2023 as the date for a public hearing to be held on the proposed annexation of the Additional Territory to the Community Facilities District;

WHEREAS, at said public hearing, the testimony of all interested persons or taxpayers for or against the annexation of the Additional Territory to the Community Facilities District or the levying of the Special Taxes within the Additional Territory were heard, written protests, if any, were received and a full and fair hearing was held;

WHEREAS, pursuant to Section 53339.7 of the Act, the proposition to levy the Special Taxes within the Additional Territory, the territory proposed to be annexed to the Community Facilities District, is to be submitted to the qualified electors of the Additional Territory at a special election;

1 **WHEREAS**, the City Council desires to designate the City Clerk of the City (the “City Clerk”)
2 as the election official for the special election provided for herein;

3 **WHEREAS**, there has been filed with the City Clerk a certificate from the office of the Registrar
4 of Voters of the County of San Bernardino indicating that no persons were registered to vote within the
5 Additional Territory as of June 2, 2023, and, accordingly, that 12 or more persons have not been registered
6 to vote within the Additional Territory for each of the 90 days preceding the close of said public hearing;

7 **WHEREAS**, there has been filed with the City Clerk consents and waivers of all of the
8 landowners of record in the Additional Territory waiving any time limit specified by Section 53326 of
9 the Act and any requirement pertaining to the conduct of said special election, consenting to the holding
10 of said special election on July 25, 2023 and waiving any impartial analysis, arguments or rebuttals, as
11 set forth in Sections 53326 and 53327 of the Act; and

12 **WHEREAS**, the City Clerk has concurred in said waivers and has concurred in holding said
13 special election on July 25, 2023;

14 **NOW, THEREFORE**, the City Council of the City of Rialto does hereby resolve, determine and
15 order as follows:

16 **Section 1.** The foregoing recitals are true and correct.

17 **Section 2.** Pursuant to Sections 53339.7 of the Act, the proposition to levy the Special Taxes in the
18 Additional Territory, the territory proposed to be annexed to the Community Facilities District, shall be
19 submitted to the qualified electors of the Additional Territory at a special election for the Additional Territory
20 called therefor as provided herein.

21 The City Council hereby finds and determines that no persons were registered to vote within the
22 Additional Territory as of June 2, 2023, and, accordingly, that 12 or more persons have not been registered
23 to vote within the Additional Territory for each of the 90 days preceding the close of the public hearing
24 on the proposed annexation of the Additional Territory to the Community Facilities District. Accordingly,
25 pursuant to Section 53326 of the Act, the vote shall be by the landowners of the Additional Territory and
26 each person who is the owner land within the Additional Territory as of the close of said public hearing,
27 or the authorized representative thereof, shall have one vote for each acre or portion of an acre that he or
28

1 she owns within the Additional Territory not exempt from the Special Taxes. The voting procedure shall
2 be by mailed or hand-delivered ballot.

3 **Section 3.** The City Clerk is hereby designated as the official to conduct said election.

4 **Section 4.** The City Council hereby finds and determines that the qualified electors of the
5 Additional Territory have unanimously consented (a) to the waiver of any time limit specified by Section
6 53326 of the Act and any requirement pertaining to the conduct of said election, (b) to the holding of said
7 election on July 25, 2023, and (c) to the waiver of any impartial analysis, arguments or rebuttals, as set
8 forth in Sections 53326 and 53327 of the Act. The City Council hereby finds and determines that the City
9 Clerk has concurred in said waivers and has concurred in holding said election on July 25, 2023.

10 **Section 5.** The City Council hereby calls a special election to submit to the qualified electors of
11 the Additional Territory propositions to levy the Special Taxes within the Additional Territory to finance
12 the Services, and the establishment of an appropriations limit, which election shall be held at 150 South
13 Palm Avenue, Rialto, California, on July 25, 2023.

14 The City Council has caused to be provided to the City Clerk, as the official to conduct said
15 election, the Resolution of Intention, a certified map of sufficient scale and clarity to show the boundaries
16 of the Additional Territory, and a sufficient description of the Additional Territory to allow the City Clerk
17 to determine the boundaries of the Additional Territory.

18 The voted ballots shall be returned to the City Clerk not later than 6:30 p.m. on July 25, 2023;
19 provided, however, that if all of the qualified electors of the Additional Territory have voted prior to such
20 time, the election for the Additional Territory may be closed with the concurrence of the City Clerk.

21 **Section 6.** Pursuant to Section 53339.8 of the Act, the above proposition shall become effective
22 upon the affirmative vote of two-thirds of the votes cast upon the proposition.

23 **Section 7.** Pursuant to Section 53326 of the Act, the election shall be conducted by mail or hand-
24 delivered ballot pursuant to Section 4000 *et seq.* of the California Elections Code. Except as otherwise
25 provided in the Act, the provisions of law regulating elections of the City, insofar as they may be
26 applicable, will govern the election.

27 **Section 8.** The form of the ballot for said election is attached hereto as Exhibit A and by this
28 reference incorporated herein, and such form of ballot is hereby approved. The City Clerk shall cause a

1 ballot in said form to be distributed to each qualified elector by mail with return postage prepaid or by
2 personal service. Each ballot shall indicate the number of votes to be voted by the respective landowner
3 to which it pertains.

4 Each ballot shall be accompanied by all supplies and written instructions necessary for the use
5 and return of the ballot. The identification envelope for return of the ballot shall be enclosed with the
6 ballot, shall have the return postage prepaid, and shall contain (a) the name and address of the landowner,
7 (b) a declaration, under penalty of perjury, stating that the voter is the owner of record or the authorized
8 representative of the landowner entitled to vote and is the person whose name appears on the
9 identification envelope, (c) the printed name, signature and address of the voter, (d) the date of signing
10 and place of execution of the declaration described in clause (b) above, and (e) a notice that the envelope
11 contains an official ballot and is to be opened only by the canvassing board.

12 Analysis and arguments with respect to the ballot proposition are hereby waived, as provided in
13 Section 53327 of the Act.

14 **Section 9.** The City Clerk shall accept the ballots of the qualified electors in the office of the City
15 Clerk at 290 West Rialto Avenue, Rialto, California, to and including 6:30 p.m. on July 25, 2023, whether
16 said ballots be personally delivered or received by mail. The City Clerk shall have available ballots which
17 may be marked at said location on the election day by said qualified electors.

18 **Section 10.** The officers, employees and agents of the City are hereby authorized and directed to
19 take all actions and do all things which they, or any of them, may deem necessary or desirable to
20 accomplish the purposes of this Resolution and not inconsistent with the provisions hereof.

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Section 11. This Resolution shall take effect immediately upon its adoption.

PASSED, APPROVED AND ADOPTED this ____ day of _____, 2023.

DEBORAH ROBERTSON, Mayor

ATTEST:

BARBARA McGEE, City Clerk

APPROVED AS TO FORM:

ERIC S. VAIL, City Attorney
Burke, Williams & Sorensen, LLP

1 **STATE OF CALIFORNIA**)
2 **COUNTY OF SAN BERNARDINO**) ss
3 **CITY OF RIALTO**)

4 I, Barbara McGee, City Clerk of the City of Rialto, do hereby certify that the foregoing
5 Resolution No.____ was duly passed and adopted at a regular meeting of the City Council of the City
6 of Rialto held on the ____ day of _____, 2023.

7 Upon motion of Councilmember _____, seconded by Councilmember
8 _____, the foregoing Resolution No. _____ was duly passed and adopted.

9 Vote on the motion:

10 AYES:

11 NOES:

12 ABSENT:

13 IN WITNESS WHEREOF, I have hereunto set my hand and the Official Seal of the City of
14 Rialto this ____ day of _____, 2023.

15
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17 _____
18 BARBARA A. McGEE, City Clerk
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1 EXHIBIT A
2 FORM OF OFFICIAL BALLOT
3 SPECIAL ELECTION

4 City of Rialto

5 Community Facilities District No. 2016-1 (Public Services)

6 Annexation No. 7

7
8 This ballot is for a special landowner election. You must return this ballot in the enclosed postage
9 paid envelope to the Office of the City Clerk of the City of Rialto no later than 6:30 p.m. on July 25,
10 2023, either by mail or in person. Ballots received after the special election with a postmark of the special
election date, or earlier date, shall not be considered. The City Clerk's office is located at 290 W. Rialto
Avenue, Rialto, California, 92376.

11 To vote, mark a cross (X) in the voting square after the word "YES" or after the word "NO". All
12 distinguishing marks otherwise made are forbidden and make the ballot void.

13 If you wrongly mark, tear, or deface this ballot, return it to the City Clerk of the City of Rialto
14 and obtain another.

15 **PROPOSITION A:** Shall special taxes be levied annually on taxable property
16 within the territory to be annexed into the City of Rialto Community Facilities
17 District No. 2016-1 (Public Services), County of San Bernardino, State of California
18 ("Annexation No. 7") and collected so long as the special taxes are needed to pay
19 for maintenance and operational costs for police protection services, fire protection
and suppression services, paramedic services, and park maintenance at the special
tax rates and pursuant to the method of apportioning the special taxes set forth in
Exhibit "B" to the Resolution of Intention, Resolution No. 8083, adopted by the
City Council of the City of Rialto on June 13, 2023?

☐

Yes

☐

No

20 **PROPOSITION B:** Shall an appropriations limit, as defined by subdivision (h) of
21 Section 8 of Article XIII B of the California Constitution, be established for
22 Annexation No. 7 to the City of Rialto Community Facilities District No. 2016-1
23 (Public Services), County of San Bernardino, State of California, in the amount of
\$1,000,000 per annum?

☐

Yes

☐

No

24 Number of votes: Property Owner:

25 By: _____

26 _____, Property Owner
27
28