



**San Miguel Consolidated Fire Protection District**  
**Regular Meeting of the Board of Directors**  
**2850 Via Orange Way, Spring Valley, CA 91978**

**AGENDA**

**Wednesday, September 11, 2024 - 5:30 p.m.**

***THIS MEETING IS DEDICATED TO THE VICTIMS AND FIRST RESPONDERS  
WHO PERISHED ON SEPTEMBER 11, 2001***

**MEETINGS** - The Board meets regularly on the second Wednesday of each month at 5:30 p.m. The District reserves the 4th Wednesday of each month for an additional Regular Meeting if needed. Special and Emergency meetings may be scheduled as needed, and cancelled meetings will be noticed by posting on the District website.

**AGENDA** - Agenda items shall be addressed in the published order unless a member of the Board or a member of the public requests a specific item to be taken out of order, and the Board agrees to do so.

**COMPLIANCE WITH THE AMERICANS WITH DISABILITIES ACT (US CODE TITLE 42)** - If you need accommodation to participate in the meeting, please call or email and Board Clerk Shayna Rians will coordinate arrangements: (619) 670-0500 or [info@sanmiguelfire.org](mailto:info@sanmiguelfire.org)

**PUBLIC COMMENT** - The public may attend meetings in person, complete a speaker slip, and bring an item not on the agenda forward; however, the Board will not be able to take any action at this meeting. If appropriate, the item will be referred to the Board and/or Fire Chief to determine if the item will be placed on a future Board agenda. The Board may not discuss items from Board members or Staff, but, if appropriate, will be placed on a future Board agenda. A three (3) minute period shall be allotted to each person addressing the Board to facilitate business proceedings.

**MEETING MATERIALS (GOVERNMENT CODE §54957.5 AND AB 2647)** - Documents provided to members of a Brown Act body in the 72 hours before a meeting (i.e., after the agenda is typically posted) are available to the public at the same time they are provided to the board members. The agenda and supporting documents are available online at <https://www.sanmiguelfire.org/board-meetings>

**CALL TO ORDER AND ROLL CALL**

**PLEDGE OF ALLEGIANCE & 9/11 REMEMBRANCE**

**APPROVAL OF AGENDA**

**PUBLIC COMMENT**

**1. ACTION AGENDA ITEMS**

**1.1 Items Pertaining to Community Facilities District 2022-1 Annexations**

- 1.1.1** Public Hearing – Community Facilities District 2022-1 Annexation 5 – The Board of Directors will conduct a public hearing and may move forward with taking actions to approve Community Facilities District 2022-1 Annexation 5.
- 1.1.2** Resolution 24-40 – The Board of Directors will consider approving Resolution 24-40, Calling a Special Election and Submitting the Qualified Electors of Territory Proposed to be Annexed to the San Miguel Consolidated Fire Protection District, Community Facilities District No. 2022-1, County of San Diego, State of California the Question of Levying Special Taxes Within That Territory (Annexation 5).

- 1.1.3 Resolution 24-41 – The Board of Directors will consider approving Resolution 24-41, 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 No. 2022-1 Annexation 5.
- 1.1.4 First Reading of Ordinance 24-05 (Annexation 5).
- 1.1.5 Public Hearing – Community Facilities District 2022-1 Annexation 6 – The Board of Directors will conduct a public hearing and may move forward with taking actions to approve Community Facilities District 2022-1 Annexation 6.
- 1.1.6 Resolution 24-42 – The Board of Directors will consider approving Resolution 24-42, Calling a Special Election and Submitting the Qualified Electors of Territory Proposed to be Annexed to the San Miguel Consolidated Fire Protection District, Community Facilities District No. 2022-1, County of San Diego, State of California the Question of Levying Special Taxes Within That Territory (Annexation 6).
- 1.1.7 Resolution 24-43 – The Board of Directors will consider approving Resolution 24-43 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 No. 2022-1 Annexation 6.
- 1.1.8 First Reading of Ordinance 24-06 (Annexation 6).

**ACTION PLAN RECAP**

**NEXT MEETING** – Regular Meeting, Wednesday, September 25, 2024, 5:30 p.m., District Headquarters  
*Regular business (minutes, monthly reports, etc.) will be addressed at the meeting on 9/25/2024*

**ADJOURNMENT**

**CERTIFICATION OF POSTING** I certify that on September 6, 2024, a copy of the foregoing agenda was posted on the District’s website and near the meeting place of the Board of Directors of the San Miguel Consolidated Fire Protection District, said time being at least 72 hours in advance of the Board of Directors meeting (Government Code §54954.2). Executed at Spring Valley, California on September 6, 2024

/s/ Shayna Rians Shayna Rians, Board Clerk

## ***Resolution 24-40***

### **Resolution of the Board Of Directors of the San Miguel Consolidated Fire Protection District Calling a Special Landowner Election for San Miguel Consolidated Fire Protection District Community Facilities District 2022-1 (Annexation 5)**

**WHEREAS**, the Board of Directors (the “Board”) of the San Miguel Consolidated Fire Protection District (the “District”) has heretofore conducted proceedings for the establishment of and has established the San Miguel Consolidated Fire Protection District, Community Facilities District 2022-1, County of San Diego, State of California (“CFD 2022-1”) 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 District as a result of the development of said real property; and

**WHEREAS**, the Board is authorized by California Government Code Article 3.5 (commencing with Section 53339) of Chapter 2.5 of Part 1 of Division 2 of Title 5, commonly known as the “Mello-Roos Community Facilities Act of 1982,” (the “Act”) to annex territory to CFD 2022-1 by complying with the procedures set forth in said Article 3.5; and

**WHEREAS**, on July 24, 2024, the Board adopted Resolution 24-38, a resolution of intention to annex territory to CFD 2022-1 pursuant to Section 53339.2 of the Act, determining that the public convenience and necessity require that certain property, consisting of approximately 0.76 acres, known as Annexation 5 be annexed to CFD 2022-1 and containing all of the matters prescribed by Section 53339.3 of the Act, and fixing 5:30 p.m. on September 11, 2024, in the in the Board Room, located at 2850 Via Orange Way, Spring Valley, CA 91978, as the time and place for a hearing upon said resolution; and

**WHEREAS**, pursuant to said resolution, the Board Clerk has published and mailed notice of the time and place of said hearing as required by Section 53339.4 of the Act; and

**WHEREAS**, on September 11, 2024, at the time and place of said hearing, the Board afforded all interested persons for or against the annexation of said property to CFD 2022-1 an opportunity to present testimony and to protest against the proposed annexation of said property to CFD 2022-1, and no protests, either oral or in writing, were received; and

**WHEREAS**, pursuant to Section 53339.7 of the Act, the Board may now submit the question of levying a special tax within the territory proposed to be annexed to CFD 2022-1 to the qualified electors within that territory.

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

Section 1.

Findings. The Board finds that: (i) the foregoing recitals are correct; (ii) less than twelve (12) persons have been registered to vote within the territory proposed to be annexed to CFD 2022-1 during the ninety (90) days preceding the close of the public hearing on September 11, 2024; (iii) pursuant to California Government Code Section 53326, as a result of the findings set forth in clause (ii) above, the vote in the special election called by this resolution shall be by the landowners of the territory proposed to be annexed to CFD 2022-1 whose property would be subject to the special taxes if they were levied at the time of the election, and each landowner shall have one (1) vote for each acre, or portion thereof, which they own within the said territory, which would be subject to the proposed special taxes if they were levied at the time of the election; (iv) pursuant to said Section 53326, the special election must be held at least ninety (90) days, but not more than one hundred eighty (180) days following the date of the adoption of this resolution, unless such time periods are waived with the unanimous waiver of the qualified electors. All of the qualified electors in the territory to be annexed waived the time limits and election formalities of the special election.

Section 2.

Call of Election. The Board hereby calls and schedules a special election for September 11, 2024, on the proposition with respect to the annual levy of special taxes within the territory proposed to be annexed to CFD 2022-1 for paying the cost of the services to be provided within and for the benefit of the territory proposed to be annexed to CFD 2022-1.

Section 3.

Propositions. The propositions to be submitted to the voters of CFD 2022-1 at such special election shall be as follows:

PROPOSITION A

Shall the San Miguel Consolidated Fire Protection District Community Facilities District 2022-1 ("CFD 2022-1"), County of San Diego, State of California, subject to accountability measures set forth in California Government Code Section 50075.1, levy special taxes throughout Annexation 5 to such community facilities district pursuant to the method of apportioning the special tax set forth in Attachment A to this Official Ballot for the purpose of financing public services, including but not limited to the services set forth in Attachment B to this Official Ballot to meet the increased demand for such services resulting from new development within Annexation 5 thereto and the cost of administering the levy and collection of the special taxes and CFD 2022-1?

Section 4.

Conduct of Election. Except as otherwise provided in Section 5 hereof, said election shall be conducted by the Board Clerk of the District pursuant to the California Elections Code governing mail ballot elections, and in particular, the provisions of Division 4 (commencing with Section 4000) of said Code, insofar as they may be applicable.

Section 5.

Election Procedures. The procedures to be followed in conducting the special election on the levy of Special Taxes to pay the annual costs of the Services to the qualified electors of the territory to be annexed to CFD 2022-1 (the "Special Election") shall be as follows:

- a) Pursuant to said California Government Code Section 53326, ballots for the special election shall be distributed to the qualified electors by the Board Clerk by mail with return postage prepaid, or by personal service.
- b) Pursuant to applicable sections of the California Elections Code governing the conduct of mail ballot elections, and specifically Division 4 (commencing with Section 4000) of the California Elections Code with respect to elections conducted by mail, the Board Clerk shall mail or deliver to each qualified elector an official ballot in the form attached hereto as Exhibit "A," and shall also mail or deliver to all such qualified electors a ballot pamphlet and instructions to voter, including a sample ballot identical in form to the official ballot but identified as a sample ballot, a return identification envelope with prepaid postage thereon addressed to the Board Clerk for the return of voted official ballots, and a copy of Resolution 24-38; provided, however, that such statement, analysis and arguments may be waived with the unanimous consent of all the landowners.
- c) The official ballot to be mailed or delivered by the Board Clerk to each landowner-voter shall have printed or typed thereon the name of the landowner-voter and the number of votes to be voted by the landowner-voter and shall have appended to it a certification to be signed by the person voting the official ballot which shall certify that the person signing the certification is the person who voted the official ballot, and if the landowner-voter is other than a natural person, that they are an officer of or other person affiliated with the landowner-voter entitled to vote such official ballot, that they have been authorized to vote such official ballot on behalf of the landowner-voter, that in voting such official ballot it was his or her intent, as well as the intent of the landowner-voter, to vote all votes to which the landowner-voter is entitled based on its land ownership on the propositions set forth in the official ballot as marked thereon in the voting square opposite each such proposition, and further certifying as to the acreage of the landowner-voter's land ownership within the territory proposed to be annexed to CFD 2022-1.
- d) The return identification envelope mailed or delivered by the Board Clerk to each landowner-voter shall have printed or typed thereon the following: (i) the name of the landowner, (ii) the address of the landowner, (iii) a declaration under penalty of perjury stating that the voter is the landowner or the authorized representative of the landowner entitled to vote the enclosed ballot and is the person whose name appears on the identification envelope, (iv) the printed name and signature of the voter, (v) the address of the voter, (vi) the date of signing and place of execution of said declaration, and (vii) a notice that the envelope contains an official ballot and is to be opened only by the Board Clerk.

- e) The instruction to voter form to be mailed or delivered by the Board Clerk to the landowner-voters shall inform them that the official ballots shall be returned to the Board Clerk properly voted as provided thereon and with the certification appended thereto properly completed and signed in the sealed return identification envelope with the certification thereon completed and signed and all other information to be inserted thereon properly inserted by 5:30 p.m. on September 11, 2024.
- f) Upon receipt of the return identification envelopes, which are returned prior to the voting deadline on the date of the election, the Board Clerk shall canvass the votes cast in the special election, and shall file a statement with the Board as to the results of such canvass and the election on each proposition set forth in the official ballot.

Section 6.

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:

NOES:

ABSTAIN:

ABSENT:

ATTEST

\_\_\_\_\_  
Shayna Rians, Board Clerk

\_\_\_\_\_  
Jesse A. Robles, Board President

EXHIBIT "A"  
OFFICIAL BALLOT  
SPECIAL ELECTION  
**NUMBER OF VOTES ENTITLED TO BE CAST: 1**  
**SAN MIGUEL CONSOLIDATED FIRE PROTECTION DISTRICT,**  
**COMMUNITY FACILITIES DISTRICT 2022-1, COUNTY OF SAN DIEGO, STATE OF**  
**CALIFORNIA**  
**(ANNEXATION 5)**  
**SEPTEMBER 11, 2024**  
**OFFICIAL BALLOT**

To vote on any measure, mark a cross (+) in the voting square before the word "YES" or before the word "NO" If you tear or deface this ballot, call Leah Harris, Administrative Officer/Finance Officer at (619) 670-0500 for assistance.

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**PROPOSITION A**

Shall the San Miguel Consolidated Fire Protection District Community Facilities District 2022-1 ("CFD 2022-1"), County of San Diego, State of California, subject to accountability measures set forth in California Government Code Section 50075.1, levy special taxes throughout Annexation 5 to such community facilities district pursuant to the method of apportioning the special tax set forth in Attachment A to this Official Ballot for the purpose of financing public services, including but not limited to the services set forth in Attachment B to this Official Ballot to meet the increased demand for such services resulting from new development within Annexation 5 thereto and the cost of administering the levy and collection of the special taxes and CFD 2022-1?

- YES
- NO

## ***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)**

**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:

NOES:

ASTAIN:

ABSENT:

ATTEST

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Shayna Rians, Board Clerk

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Jesse A. Robles, Board President



**DRAFT**  
**Ordinance 24-05**

**Ordinance of the Board Of Directors of the  
San Miguel Consolidated Fire Protection District  
Authorizing the Levy Of Special Taxes in a Community Facilities District,  
Including Certain Annexation Territory Identified As Annexation 5,  
into San Miguel Consolidated Fire Protection District  
Community Facilities District 2022-1**

**WHEREAS**, the Board of Directors (the “Board”) of the San Miguel Consolidated Fire Protection District (the “District”) has established the San Miguel Consolidated Fire Protection District, Community Facilities District 2022-1, County of San Diego, State of California (“CFD 2022-1”) 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 District as a result of the development of said real property; and

**WHEREAS**, the rate and method of apportionment of special tax for CFD 2022-1 is set forth in Exhibit “C” to the Board Resolution 24-38, which was adopted on July 24, 2024 (the “Resolution of Intention”); and

**WHEREAS**, the District has conducted proceedings to annex territory into CFD 2022-1 and, with respect to the proceedings, following an election of the qualified electors in the territory proposed for annexation (the “Annexation 5”), the Board, on September 11, 2024, adopted a resolution which declared the results of the special election and determined that the territory proposed to be annexed is added to and part of CFD 2022-1.

**NOW, THEREFORE, BE IT RESOLVED** that the Board of the San Miguel Consolidated Fire Protection District, California, acting in its capacity as the legislative body of the San Miguel Consolidated Fire Protection District, Community Facilities District 2022-1, County of San Diego, State of California, does hereby:

Section 1.

The foregoing recitals are true and correct.

Section 2.

By the passage of this Ordinance, the Board hereby authorizes and levies the special tax within CFD 2022-1, including the Annexation Territory, pursuant to Article 3.5 (commencing with Section 53339) of Chapter 2.5 of Part 1 of Division 2 of Title 5 of the California Government Code, commonly known as the “Mello-Roos Community Facilities Act of 1982,” (the “Act”), at the rate and in accordance with the rate and method of apportionment of special tax set forth in the Resolution of Intention, which rate and method is by this reference incorporated herein. The special tax has previously been

levied in the original territory of CFD 2022-1 pursuant to Ordinance 2022-2 passed and adopted by the Board on October 12, 2022, and the special tax is hereby levied commencing in Fiscal Year 2024-25 in CFD 2022-1, including Annexation 5, and in each fiscal year thereafter to pay for the services for CFD 2022-1 and the costs of administering the District.

Section 3.

The Fire Chief of the District or designee or employee or consultant of the District is hereby authorized and directed each fiscal year to determine the specific special tax to be levied for the next ensuing fiscal year for each parcel of real property within CFD 2022-1, including Annexation 5, in the manner and as provided in the Resolution of Intention.

Section 4.

Exemptions from the levy of the special tax shall be as provided in the Resolution of Intention and the applicable provisions of the Act. In no event shall the special tax be levied on any parcel within CFD 2022-1 in excess of the maximum special tax specified in the Resolution of Intention.

Section 5.

All of the collections of the special tax shall be used as provided in the Act and in the Resolution of Intention, including, but not limited to, the payment of the costs of the services, the payment of the costs of the District in administering CFD 2022-1, and the costs of collecting and administering the special tax.

Section 6.

The special tax shall be collected in the same manner and at the same time as ordinary *ad valorem* taxes are collected and shall have the same lien priority, and be subject to the same penalties and the same procedure and sale in cases of delinquency as provided for *ad valorem* taxes; provided, however, that CFD 2022-1 may collect Special Taxes at a different time or in a different manner if necessary to meet its financial obligations. The Fire Chief of the District, or his or her designee, is hereby authorized and directed to provide all necessary information to the auditor/tax collector of the County of San Diego in order to effect proper billing and collection of the special tax, so that the special tax shall be included on the secured property tax roll of the County of San Diego for Fiscal Year 2024-25 and for each fiscal year thereafter until no longer required to pay for the Services or until otherwise terminated by the District.

Section 7.

If for any reason any portion of this Ordinance is found to be invalid, or if the special tax is found inapplicable to any particular parcel within CFD 2022-1, including Annexation 5, by a court of competent jurisdiction, the balance of this Ordinance and the application of the special tax to the remaining parcels within CFD 2022-1, including Annexation 5, shall not be affected.

Section 8.

This Ordinance shall be effective thirty (30) days after its adoption. Within fifteen (15) days after its adoption, the Board Clerk shall cause this Ordinance, or a summary of it, to be published in a newspaper of general circulation in the District.

**PASSED AND ADOPTED** by the Board of Directors of the San Miguel Consolidated Fire Protection District this 9<sup>th</sup> day of October 2024, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST

\_\_\_\_\_  
Shayna Rians, Board Clerk

\_\_\_\_\_  
Jesse A. Robles, Board President

I hereby certify that the foregoing Ordinance was duly introduced at a regular public meeting of the San Miguel Consolidated Fire Protection District Board, held on September 11, 2024, and was duly adopted, passed, and ordered posted at an adjourned regular meeting of the San Miguel Consolidated Fire Protection District Board held on October 9, 2024.

\_\_\_\_\_  
Board Clerk  
San Miguel Consolidated Fire Protection District

## ***Resolution 24-42***

### **Resolution of the Board Of Directors of the San Miguel Consolidated Fire Protection District Calling a Special Landowner Election for San Miguel Consolidated Fire Protection District Community Facilities District 2022-1 (Annexation 6)**

**WHEREAS**, the Board of Directors (the “Board”) of the San Miguel Consolidated Fire Protection District (the “District”) has heretofore conducted proceedings for the establishment of and has established the San Miguel Consolidated Fire Protection District, Community Facilities District 2022-1, County of San Diego, State of California (“CFD 2022-1”) 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 District as a result of the development of said real property; and

**WHEREAS**, the Board is authorized by California Government Code Article 3.5 (commencing with Section 53339) of Chapter 2.5 of Part 1 of Division 2 of Title 5, commonly known as the “Mello-Roos Community Facilities Act of 1982,” (the “Act”) to annex territory to CFD 2022-1 by complying with the procedures set forth in said Article 3.5; and

**WHEREAS**, on July 24, 2024, the Board adopted Resolution 24-39, a resolution of intention to annex territory to CFD 2022-1 pursuant to Section 53339.2 of the Act, determining that the public convenience and necessity require that certain property, consisting of approximately 3.4 acres, known as Annexation 6 be annexed to CFD 2022-1 and containing all of the matters prescribed by Section 53339.3 of the Act, and fixing 5:30 p.m. on September 11, 2024, in the in the Board Room, located at 2850 Via Orange Way, Spring Valley, CA 91978, as the time and place for a hearing upon said resolution; and

**WHEREAS**, pursuant to said resolution, the Board Clerk has published and mailed notice of the time and place of said hearing as required by Section 53339.4 of the Act; and

**WHEREAS**, on September 11, 2024, at the time and place of said hearing, the Board afforded all interested persons for or against the annexation of said property to CFD 2022-1 an opportunity to present testimony and to protest against the proposed annexation of said property to CFD 2022-1, and no protests, either oral or in writing, were received; and

**WHEREAS**, pursuant to Section 53339.7 of the Act, the Board may now submit the question of levying a special tax within the territory proposed to be annexed to CFD 2022-1 to the qualified electors within that territory.

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

Section 1.

Findings. The Board finds that: (i) the foregoing recitals are correct; (ii) less than twelve (12) persons have been registered to vote within the territory proposed to be annexed to CFD 2022-1 during the ninety (90) days preceding the close of the public hearing on September 11, 2024; (iii) pursuant to California Government Code Section 53326, as a result of the findings set forth in clause (ii) above, the vote in the special election called by this resolution shall be by the landowners of the territory proposed to be annexed to CFD 2022-1 whose property would be subject to the special taxes if they were levied at the time of the election, and each landowner shall have one (1) vote for each acre, or portion thereof, which they own within the said territory, which would be subject to the proposed special taxes if they were levied at the time of the election; (iv) pursuant to said Section 53326, the special election must be held at least ninety (90) days, but not more than one hundred eighty (180) days following the date of the adoption of this resolution, unless such time periods are waived with the unanimous waiver of the qualified electors. All of the qualified electors in the territory to be annexed waived the time limits and election formalities of the special election.

Section 2.

Call of Election. The Board hereby calls and schedules a special election for September 11, 2024, on the proposition with respect to the annual levy of special taxes within the territory proposed to be annexed to CFD 2022-1 for paying the cost of the services to be provided within and for the benefit of the territory proposed to be annexed to CFD 2022-1.

Section 3.

Propositions. The propositions to be submitted to the voters of CFD 2022-1 at such special election shall be as follows:

PROPOSITION A

Shall the San Miguel Consolidated Fire Protection District Community Facilities District 2022-1 ("CFD 2022-1"), County of San Diego, State of California, subject to accountability measures set forth in California Government Code Section 50075.1, levy special taxes throughout Annexation 6 to such community facilities district pursuant to the method of apportioning the special tax set forth in Attachment A to this Official Ballot for the purpose of financing public services, including but not limited to the services set forth in Attachment B to this Official Ballot to meet the increased demand for such services resulting from new development within Annexation 6 thereto and the cost of administering the levy and collection of the special taxes and CFD 2022-1.

Section 4.

Conduct of Election. Except as otherwise provided in Section 5 hereof, said election shall be conducted by the Board Clerk of the District pursuant to the California Elections Code governing mail ballot elections, and in particular, the provisions of Division 4 (commencing with Section 4000) of said Code, insofar as they may be applicable.



Section 5.

Election Procedures. The procedures to be followed in conducting the special election on the levy of Special Taxes to pay the annual costs of the Services to the qualified electors of the territory to be annexed to CFD 2022-1 (the "Special Election") shall be as follows:

- a) Pursuant to said California Government Code Section 53326, ballots for the special election shall be distributed to the qualified electors by the Board Clerk by mail with return postage prepaid, or by personal service.
- b) Pursuant to applicable sections of the California Elections Code governing the conduct of mail ballot elections, and specifically Division 4 (commencing with Section 4000) of the California Elections Code with respect to elections conducted by mail, the Board Clerk shall mail or deliver to each qualified elector an official ballot in the form attached hereto as Exhibit "A," and shall also mail or deliver to all such qualified electors a ballot pamphlet and instructions to voter, including a sample ballot identical in form to the official ballot but identified as a sample ballot, a return identification envelope with prepaid postage thereon addressed to the Board Clerk for the return of voted official ballots, and a copy of Resolution 24-39; provided, however, that such statement, analysis and arguments may be waived with the unanimous consent of all the landowners.
- c) The official ballot to be mailed or delivered by the Board Clerk to each landowner-voter shall have printed or typed thereon the name of the landowner-voter and the number of votes to be voted by the landowner-voter and shall have appended to it a certification to be signed by the person voting the official ballot which shall certify that the person signing the certification is the person who voted the official ballot, and if the landowner-voter is other than a natural person, that they are an officer of or other person affiliated with the landowner-voter entitled to vote such official ballot, that they have been authorized to vote such official ballot on behalf of the landowner-voter, that in voting such official ballot it was his or her intent, as well as the intent of the landowner-voter, to vote all votes to which the landowner-voter is entitled based on its land ownership on the propositions set forth in the official ballot as marked thereon in the voting square opposite each such proposition, and further certifying as to the acreage of the landowner-voter's land ownership within the territory proposed to be annexed to CFD 2022-1.
- d) The return identification envelope mailed or delivered by the Board Clerk to each landowner-voter shall have printed or typed thereon the following: (i) the name of the landowner, (ii) the address of the landowner, (iii) a declaration under penalty of perjury stating that the voter is the landowner or the authorized representative of the landowner entitled to vote the enclosed ballot and is the person whose name appears on the identification envelope, (iv) the printed name and signature of the voter, (v) the address of the voter, (vi) the date of signing and place of execution of said declaration, and (vii) a notice that the envelope contains an official ballot and is to be opened only by the Board Clerk.

- e) The instruction to voter form to be mailed or delivered by the Board Clerk to the landowner-voters shall inform them that the official ballots shall be returned to the Board Clerk properly voted as provided thereon and with the certification appended thereto properly completed and signed in the sealed return identification envelope with the certification thereon completed and signed and all other information to be inserted thereon properly inserted by 5:30 p.m. on September 11, 2024.
- f) Upon receipt of the return identification envelopes, which are returned prior to the voting deadline on the date of the election, the Board Clerk shall canvass the votes cast in the special election, and shall file a statement with the Board as to the results of such canvass and the election on each proposition set forth in the official ballot.

Section 6.

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:

NOES:

ABSTAIN:

ABSENT:

ATTEST

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Shayna Rians, Board Clerk

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Jesse A. Robles, Board President

EXHIBIT "A"  
OFFICIAL BALLOT  
SPECIAL ELECTION  
**NUMBER OF VOTES ENTITLED TO BE CAST: 4**  
**SAN MIGUEL CONSOLIDATED FIRE PROTECTION DISTRICT,**  
**COMMUNITY FACILITIES DISTRICT 2022-1, COUNTY OF SAN DIEGO, STATE OF**  
**CALIFORNIA**  
**(ANNEXATION 6)**  
**SEPTEMBER 11, 2024**  
**OFFICIAL BALLOT**

To vote on any measure, mark a cross (+) in the voting square before the word "YES" or before the word "NO." If you tear or deface this ballot, call Leah Harris, Administrative Officer/Finance Officer at (619) 670-0500 for assistance.

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**PROPOSITION A**

Shall the San Miguel Consolidated Fire Protection District Community Facilities District 2022-1 ("CFD 2022-1"), County of San Diego, State of California, subject to accountability measures set forth in California Government Code Section 50075.1, levy special taxes throughout Annexation 6 to such community facilities district pursuant to the method of apportioning the special tax set forth in Attachment A to this Official Ballot for the purpose of financing public services, including but not limited to the services set forth in Attachment B to this Official Ballot to meet the increased demand for such services resulting from new development within Annexation 6 thereto and the cost of administering the levy and collection of the special taxes and CFD 2022-1?

- YES
- NO

## ***Resolution 24-43***

### **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 6)**

**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 3.4 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 6 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 is one (1) registered voter residing within the territory proposed to be annexed to CFD 2022-1 ("Annexation 6") 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 6, with each landowner having one vote for each acre or portion thereof of land that they own within Annexation 6; (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 6, 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, EL CAJON REAL ESTATE LLC, the owner of all the land within Annexation 6, was entitled to four (4) 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 6 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 6 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 6 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 6 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 6 at the rates as specified in Resolution 24-39 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 6 are shown on the map entitled, "Annexation Map 6 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 2024-7000368.

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 6.

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:

NOES:

ASTAIN:

ABSENT:

ATTEST

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Shayna Rians, Board Clerk

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Jesse A. Robles, Board President



**DRAFT**  
**Ordinance 24-06**

**Ordinance of the Board Of Directors of the  
San Miguel Consolidated Fire Protection District  
Authorizing the Levy Of Special Taxes in a Community Facilities District,  
Including Certain Annexation Territory Identified As Annexation 6,  
into San Miguel Consolidated Fire Protection District  
Community Facilities District 2022-1**

**WHEREAS**, the Board of Directors (the “Board”) of the San Miguel Consolidated Fire Protection District (the “District”) has established the San Miguel Consolidated Fire Protection District, Community Facilities District 2022-1, County of San Diego, State of California (“CFD 2022-1”) 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 District as a result of the development of said real property; and

**WHEREAS**, the rate and method of apportionment of special tax for CFD 2022-1 is set forth in Exhibit “C” to the Board Resolution 24-39, which was adopted on July 24, 2024 (the “Resolution of Intention”); and

**WHEREAS**, the District has conducted proceedings to annex territory into CFD 2022-1 and, with respect to the proceedings, following an election of the qualified electors in the territory proposed for annexation (the “Annexation 6”), the Board, on September 11, 2024, adopted a resolution which declared the results of the special election and determined that the territory proposed to be annexed is added to and part of CFD 2022-1.

**NOW, THEREFORE, BE IT RESOLVED** that the Board of the San Miguel Consolidated Fire Protection District, California, acting in its capacity as the legislative body of the San Miguel Consolidated Fire Protection District, Community Facilities District 2022-1, County of San Diego, State of California, does hereby:

Section 1.

The foregoing recitals are true and correct.

Section 2.

By the passage of this Ordinance, the Board hereby authorizes and levies the special tax within CFD 2022-1, including the Annexation Territory, pursuant to Article 3.5 (commencing with Section 53339) of Chapter 2.5 of Part 1 of Division 2 of Title 5 of the California Government Code, commonly known as the “Mello-Roos Community Facilities Act of 1982,” (the “Act”), at the rate and in accordance with the rate and method of apportionment of special tax set forth in the Resolution of Intention, which rate and method is by this reference incorporated herein. The special tax has previously been



levied in the original territory of CFD 2022-1 pursuant to Ordinance 2022-2 passed and adopted by the Board on October 12, 2022, and the special tax is hereby levied commencing in Fiscal Year 2024-25 in CFD 2022-1, including Annexation 6, and in each fiscal year thereafter to pay for the services for CFD 2022-1 and the costs of administering the District.

Section 3.

The Fire Chief of the District or designee or employee or consultant of the District is hereby authorized and directed each fiscal year to determine the specific special tax to be levied for the next ensuing fiscal year for each parcel of real property within CFD 2022-1, including Annexation 6, in the manner and as provided in the Resolution of Intention.

Section 4.

Exemptions from the levy of the special tax shall be as provided in the Resolution of Intention and the applicable provisions of the Act. In no event shall the special tax be levied on any parcel within CFD 2022-1 in excess of the maximum special tax specified in the Resolution of Intention.

Section 5.

All of the collections of the special tax shall be used as provided in the Act and in the Resolution of Intention, including, but not limited to, the payment of the costs of the services, the payment of the costs of the District in administering CFD 2022-1, and the costs of collecting and administering the special tax.

Section 6.

The special tax shall be collected in the same manner and at the same time as ordinary *ad valorem* taxes are collected and shall have the same lien priority, and be subject to the same penalties and the same procedure and sale in cases of delinquency as provided for *ad valorem* taxes; provided, however, that CFD 2022-1 may collect Special Taxes at a different time or in a different manner if necessary to meet its financial obligations. The Fire Chief of the District, or his or her designee, is hereby authorized and directed to provide all necessary information to the auditor/tax collector of the County of San Diego in order to effect proper billing and collection of the special tax, so that the special tax shall be included on the secured property tax roll of the County of San Diego for Fiscal Year 2024-25 and for each fiscal year thereafter until no longer required to pay for the Services or until otherwise terminated by the District.

Section 7.

If for any reason any portion of this Ordinance is found to be invalid, or if the special tax is found inapplicable to any particular parcel within CFD 2022-1, including Annexation 6, by a court of competent jurisdiction, the balance of this Ordinance and the application of the special tax to the remaining parcels within CFD 2022-1, including Annexation 6, shall not be affected.

Section 8.

This Ordinance shall be effective thirty (30) days after its adoption. Within fifteen (15) days after its adoption, the Board Clerk shall cause this Ordinance, or a summary of it, to be published in a newspaper of general circulation in the District.

**PASSED AND ADOPTED** by the Board of Directors of the San Miguel Consolidated Fire Protection District this 9<sup>th</sup> day of October 2024, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST

\_\_\_\_\_  
Shayna Rians, Board Clerk

\_\_\_\_\_  
Jesse A. Robles, Board President

I hereby certify that the foregoing Ordinance was duly introduced at a regular public meeting of the San Miguel Consolidated Fire Protection District Board, held on September 11, 2024, and was duly adopted, passed, and ordered posted at an adjourned regular meeting of the San Miguel Consolidated Fire Protection District Board held on October 9, 2024.

\_\_\_\_\_  
Board Clerk  
San Miguel Consolidated Fire Protection District