

RESOLUTION NO.2022-120

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
FONTANA DECLARING RESULTS OF SPECIAL
ELECTION AND DIRECTING RECORDING OF NOTICE OF
SPECIAL TAX LIEN**

WHEREAS, on September 13, 2022, the City Council (the “City Council”) of the City of Fontana (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 Fontana Calling Special Election for City of Fontana Community Facilities District No. 111 (Monterado)” (the “Resolution Calling Election”), calling for a special election of the qualified electors within City of Fontana Community Facilities District No. 111 (Monterado) (the “Community Facilities District”);

WHEREAS, pursuant to the terms of the Resolution Calling Election and the provisions of the Act, the special election was held on September 13, 2022; and

WHEREAS, the City Clerk of the City (the “City Clerk”) has certified the canvass of the returns of the election and has filed a Canvass and Statement of Results of Election (the “Canvass”), a copy of which is attached hereto as Exhibit A;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Fontana as follows:

Section 1. The foregoing recitals are true and correct.

Section 2. The City Council has received, reviewed and hereby accepts the Canvass.

Section 3. The City Council hereby finds and declares that the ballot proposition submitted to the qualified electors of the Community Facilities District pursuant to the Resolution Calling Election has been passed and approved by such electors in accordance with Section 53328, Section 53355 and Section 53325.7 of the Act.

Section 4. The City Clerk is hereby directed to execute and cause to be recorded in the office of the County Recorder of the County of San Bernardino a notice of special tax lien in the form required by the Act, said recording to occur no later than fifteen days following adoption by the City Council of this Resolution.

Section 5. All actions heretofore taken by the officers, employees and agents of the City with respect to the special election, or in connection with or related to any of the matters referred to herein, are hereby approved, confirmed and ratified.

Section 6. The officers, employees and agents of the City are hereby authorized and directed to take all actions and do all things which they, or any of them, may deem necessary or desirable to accomplish the purposes of this Resolution and not inconsistent with the provisions hereof.

Section 7. This Resolution shall take effect immediately upon its adoption.

APPROVED and ADOPTED by the City Council of the City of Fontana on September 13, 2022.

READ AND APPROVED AS TO LEGAL FORM:

City Attorney

EXHIBIT A

[See attached]

**CITY OF FONTANA
COMMUNITY FACILITIES DISTRICT NO. 111
(MONTERADO)**

CANVASS AND STATEMENT OF RESULTS OF ELECTION

I hereby certify that on September 13, 2022, I canvassed the returns of the special election held on September 13, 2022, for the City of Fontana Community Facilities District No. 111 (Monterado), that the total number of ballots cast in said Community Facilities District and the total number of votes cast for and against the proposition are as follows and that the totals as shown for and against the proposition are true and correct:

| | Qualified Landowner <u>Votes</u> | Votes <u>Cast</u> | <u>YES</u> | <u>NO</u> |
|--|--|----------------------|------------|-----------|
| City of Fontana Community Facilities District No. 111 (Monterado) Special Election, September 13, 2022 | 21 | _____ | _____ | _____ |

MEASURE SUBMITTED TO VOTE OF VOTERS: Shall the City of Fontana Community Facilities District No. 111 (Monterado) (the “Community Facilities District”) be authorized to incur bonded indebtedness in a maximum amount of not to exceed \$8,000,000 and levy a special tax in order to finance certain facilities and services and shall the annual appropriations limit of the Community Facilities District be established in the amount of \$8,000,000, all as specified in the Resolution entitled “A Resolution of the City Council of the City of Fontana of Formation of the City of Fontana Community Facilities District No. 111 (Monterado), Authorizing the Levy of a Special Tax within the Community Facilities District and Establishing an Appropriations Limit for the Community Facilities District” and the Resolution entitled “A Resolution of the City Council of the City of Fontana Deeming it Necessary to Incur Bonded Indebtedness within City of Fontana Community Facilities District No. 111 (Monterado),” each adopted by the City Council of the City of Fontana on September 13, 2022?

IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND this 13th day of September 2022.

By: _____
Germaine McClellan Key, City Clerk

I, Germaine McClellan Key, City Clerk of the City of Fontana, California, and Ex-Officio Clerk of the City Council, do hereby certify that the foregoing Resolution is the actual Resolution duly and regularly adopted by the City Council of said City at a regular meeting thereof, held on September 13, 2022, by the following vote to-wit:

AYES:

NOES:

ABSENT:

City Clerk

Mayor

ATTEST:

City Clerk