

**RESOLUTION NO. \_\_\_\_\_**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
FONTANA DECLARING THE RESULTS OF THE  
SPECIAL ELECTION WITHIN THE CITY OF FONTANA  
COMMUNITY FACILITIES DISTRICT NO. 116M,  
COUNTY OF SAN BERNARDINO, STATE OF  
CALIFORNIA**

**WHEREAS**, the City Council (the “City Council”) of the City of Fontana (the “City”) has conducted proceedings under and pursuant to the terms of the Mello-Roos Community Facilities Act of 1982, as amended, being Chapter 2.5 (commencing with Section 53311) of Part 1 of Division 2 of Title 5 of the California Government Code (the “Act”) to form the City of Fontana Community Facilities District No. 116M, County of San Bernardino, State of California (“CFD No. 116M”); and

**WHEREAS**, in connection therewith, the City Council adopted a resolution calling a special election for October 22, 2024 (the “Election Resolution”), and submitted to the qualified electors of CFD No. 116M the propositions described therein with respect to the annual levy of special taxes on taxable property within CFD No. 116M to pay the costs of certain services to be provided by CFD No. 116M and related expenses and establishing an appropriations limit for CFD No. 116M; and

**WHEREAS**, a special mail-ballot election has been conducted pursuant to the foregoing; and

**WHEREAS**, pursuant to the Election Resolution, the City of Fontana City Clerk (the “City Clerk”) was authorized to conduct the special election for CFD No. 116M and act as the election official therefor; and

**WHEREAS**, the City Council has received a statement from the City Clerk with respect to the canvass of the ballot returned and the results of the special election, certifying that more than two-thirds of the votes cast upon the propositions submitted to the voters in the special election in CFD No. 116M were cast in favor of all such propositions.

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

**Section 1. Findings.** The above recitals are true and correct and are incorporated herein by this reference, and the City Council finds and determines as follows:

(a) There were no persons registered to vote within the boundaries of CFD No. 116M at the time of the close of the protest hearing on October 22, 2024, and pursuant to Section 53326 of the Act (“Section 53326”) the vote in the special election for CFD No. 116M was, therefore, by the landowners owning taxable property within CFD No. 116M, with each landowner having

one vote for each acre or portion of an acre of land that they own within CFD No. 116M which would have been subject to the special tax if levied at the time of the special election;

(b) pursuant to Section 53326 of the Act and the Election Resolution, the City Clerk distributed the ballot for the special election to D.R. Horton Los Angeles Holding Company, Inc., a California corporation, the owner of all of the taxable property included within the boundaries of CFD No. 116M (the “Property Owner”), by mail or personal delivery;

(c) The Property Owner waived the conduct and time limits for holding the special election and the election date pursuant to the Act, and consented to the calling and holding of the special election on October 22, 2024;

(d) The special election has been properly conducted in accordance with all statutory requirements and the provisions of the Election Resolution;

(e) The official ballot was returned by the Property Owner to the City Clerk prior to the hour on the date of the special election specified by the City Council for the return of voted ballots;

(f) The official ballot returned to the City Clerk by the Property Owner voted all votes to which it was entitled in favor of all propositions set forth therein;

(g) More than two-thirds of the votes cast in the special election on each such proposition were cast in favor thereof, and pursuant to Sections 53328 and 53329 of the Act, all such propositions carried;

(h) The City Council, as the legislative body of CFD No. 116M, is therefore authorized to take the necessary action to have CFD No. 116M annually levy special taxes on taxable property within CFD No. 116M in amounts sufficient to pay the costs of public services to be provided by CFD No. 116M and related expenses; and

(i) An appropriations limit for CFD No. 116M has been established in the amount of \$5,000,000.

**Section 2. Declaration of Results.** All votes voted in the special election on the propositions with respect to (a) the annual levy of special taxes on taxable property within CFD No. 116M to pay the costs of the services to be provided by CFD No. 116M and related expenses, and (b) establishing an appropriations limit for CFD No. 116M in the amount of \$5,000,000 were voted in favor thereof, and all such propositions carried.

**Section 3. Effect of Election.** The effect of the results of the special election, as specified in Section 2 hereof, is that the City Council, as the legislative body of CFD No. 116M, is authorized (i) to annually levy special taxes on taxable property within CFD No. 116M in an amount sufficient to pay the costs of the services to be provided by CFD No. 116M and related expenses at the special tax rates and pursuant to the methodology for determining and apportioning such special taxes which are set forth in the Resolution of Formation, and (ii) establish an appropriations limit for CFD No. 116M in the amount of \$5,000,000.

**Section 4. Notice of Special Tax Lien.** The City Clerk shall record a notice of special tax lien with the County Recorder of the County of San Bernardino pursuant to Section 53328.3 of the Act and Section 3114.5 of the California Streets and Highways Code within fifteen days of the date hereof.

**Section 5. Effective Date.** This Resolution shall take effect immediately from and after the date of its passage and adoption.

**APPROVED AND ADOPTED** this 22<sup>nd</sup> day of October, 2024.

**READ AND APPROVED AS TO LEGAL FORM:**

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City Attorney

I, Germaine Key, City Clerk of the City of Fontana, do hereby certify that the foregoing resolution is the actual resolution duly and regularly adopted by the City of Fontana at a regular meeting on the 22<sup>nd</sup> day of October, 2024, by the following vote to wit:

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAIN:**

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City Clerk of the City of Fontana

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Mayor of the City of Fontana

**ATTEST:**

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City Clerk