

**RESOLUTION NO. 23-\_\_\_\_\_**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MENIFEE, CALIFORNIA, DECLARING ELECTION RESULTS OF THE SPECIAL ELECTION HELD ON APRIL 5, 2023 AND ORDERING THE ANNEXATION OF TERRITORY TO COMMUNITY FACILITIES DISTRICT NO. 2017-1 (MAINTENANCE SERVICES) (ANNEXATION NO. 18), TR 37131**

**WHEREAS**, the City Council (the “City Council”) of the City of Menifee (the “City”) has heretofore conducted proceedings, pursuant to the Mello-Roos Community Facilities Act of 1982 (the “Act”), for the area proposed to be annexed to Community Facilities District No. 2017-1 (Maintenance Services) of the City of Menifee, County of Riverside, State of California (the “CFD No. 2017-1”), including conducting a public hearing pursuant to the Act; and

**WHEREAS**, at the conclusion of said public hearing, the City Council adopted a resolution calling a special election for April 5, 2023, and submitting to the qualified electors of the territory proposed to be annexed to the CFD No. 2017-1 the question 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 City as a result of the development of said real property, as provided in the form of the special election ballot attached thereto as Exhibit B; and

**WHEREAS**, the special election was held on April 5, 2023, and the City Clerk (or, in the absence of the City Clerk, the Acting City Clerk – in either case, the “Clerk”) has duly canvassed the returns of the special election and has filed with the City Council a Certificate of Election Results, dated April 5, 2023, executed by the Clerk, certifying that a completed ballot has been returned to the Clerk for each landowner-voter(s) eligible to cast a ballot in said special election, with all votes cast as “Yes” votes in favor of the ballot measure, and further certifying on said basis that the special mailed-ballot election was closed.

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Menifee, California:

- Section 1.**     Recitals. The City Council finds and determines that the foregoing recitals are true and correct.
- Section 2.**     Approval of Canvass. The City Council has received, reviewed, and hereby accepts the Clerk’s Certificate of Election Results, a copy of which is attached hereto as Exhibit A, and hereby ratifies, confirms, and approves said Certificate of Election Results.
- Section 3.**     Ballot Measure. The City Council hereby finds, determines, and declares that more than two-thirds ( $\frac{2}{3}$ ) of all the votes cast at the special election on the ballot measure were in favor of the ballot measure, the ballot measure passed, and the ballot measure was approved by the qualified electors in accordance with the Act.
- Section 4.**     Validity of Procedures. The City Council hereby finds and determines that all prior proceedings and actions taken by the City Council pursuant to the Act were and are valid and in conformity with the Act.
- Section 5.**     Annexation. The City Council hereby finds, determines, and declares that pursuant to Government Code section 53339.8, the territory proposed to be annexed is added to and part of the CFD No. 2017-1 with full legal effect, and the City Council is also authorized, pursuant to said Section 53339.8, to annually levy special taxes within the annexed territory to pay the costs of the services to be provided by the CFD No. 2017-1 as specified in Resolution No. 23-1283 adopted by the City Council on February 15, 2023. The

boundaries of the annexed territory are shown on the map entitled, "Annexation Map No. 18 Community Facilities District No. 2017-1 (Maintenance Services)" a copy of which was recorded, on February 22, 2023, in Book 90 of Maps of Assessment and Community Facilities Districts at Page 57, in the office of the Riverside County Recorder.

**Section 6.** Notice of Special Tax Lien. Pursuant to Government Code section 53339.8 and Streets and Highways Code sections 3114.5 and 3117.5, within fifteen (15) days of the adoption of this Resolution, the City Clerk shall cause to be filed with the County Recorder of the County of Riverside an amendment to the notice of special tax lien and a map of the amended boundaries of the CFD No. 2017-1 including the annexed territory.

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

**PASSED, APPROVED AND ADOPTED** this 5th day of April, 2023

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Bill Zimmerman, Mayor

Attest:

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Kay Vinson, Acting City Clerk

Approved as to form:

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Jeffrey T. Melching, City Attorney

## EXHIBIT A

CITY OF MENIFEE  
COMMUNITY FACILITIES DISTRICT NO. 2017-1 (MAINTENANCE SERVICES)  
ANNEXATION NO. 18

### CERTIFICATE OF ELECTION RESULTS

I, the undersigned, being the City Clerk or the Acting City Clerk, as the case may be, hereby certify:

In connection with the special mailed-ballot election called by the City Council (the "City Council") of the City of Menifee (the "City") on this same date in the proceedings of the City Council for the above-entitled community facilities district, I personally received (a) signed and dated waiver and consent forms and (b) signed, dated and marked election ballots on behalf of the property owners, the entities named as the sole landowners of the lands within the boundary of the above-entitled community facilities district in the Certificate Regarding Registered Voters and Landowners, dated February 22, 2023 and on file in the office of the City Clerk of the City in connection with the City Council actions on that date. Copies of the completed waiver and consent form and the completed ballot received by me and on file in my office are attached hereto.

Following such receipt, I have personally, and in the presence of all persons present, reviewed the ballot to confirm that it is properly marked and signed, and I hereby certify the result of that count to be that the ballot was cast in favor of the measure.

Based upon the foregoing, all votes that were cast having been cast "Yes", in favor of the ballot measure, the measure has therefore passed.

Qualified Landowner Votes	Votes Cast	YES	NO
80	80		

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this declaration is executed on April 5, 2023.

Kay Vinson  
Acting City Clerk  
City of Menifee

By: \_\_\_\_\_

(Attach completed copies of Waiver/Consent and Ballot)

**EXHIBIT "B"**

**CITY OF MENIFEE  
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA  
COMMUNITY FACILITIES DISTRICT NO. 2017-1 (MAINTENANCE SERVICES)  
ANNEXATION NO. 18**

**(April 5, 2023)**

This ballot is for the use of the authorized representative of the following owner of land within Community Facilities District No. 2017-1 (Maintenance Services) ("CFD No. 2017-1") of the City of Menifee:

<u>Name of Landowner</u>	<u>Number of Acres Owned</u>	<u>Total Votes</u>
AG EHC II (LEN) CA 1, LP	80.00	80

According to the provisions of the Mello-Roos Community Facilities Act of 1982, and resolutions of the City Council (the "Council") of the City of Menifee (the "City"), the above-named landowner is entitled to cast the number of votes shown above under the heading "Total Votes," representing the total votes for the property owned by said landowner. The City has sent the enclosed ballot to you so that you may vote on whether or not to approve the special tax.

This special tax ballot is for the use of the property owner of the parcels identified below, which parcels are located within the territory proposed to be annexed to the CFD No. 2017-1, City of Menifee, County of Riverside, State of California. Please advise the Acting City Clerk, at (951) 672-6777 if the name set forth below is incorrect or if you are no longer one of the owners of these parcels. This special tax ballot may be used to express either support for or opposition to the proposed special tax. To be counted, this special tax ballot must be signed below by the owner or, if the owner is not an individual, by an authorized representative of the owner. The ballot must then be delivered to the Acting City Clerk, either by mail or in person, as follows:

**Mail**

**Delivery:** If by mail, place ballot in the return envelope provided, and mail no later than March 22, 2023, two calendar weeks prior to the date set for the election. Mailing later than this deadline creates the risk that the special tax ballot may not be received in time to be counted.

**Personal**

**Delivery:** If in person, deliver to the Acting City Clerk at any time up to 5:00 p.m. on April 5, 2023, at the Clerk's office at 29844 Haun Road, City of Menifee, CA 92586.

However delivered, this ballot must be received by the Clerk prior to the close of the public meeting on April 5, 2023.

Very truly yours,

Kay Vinson  
Acting City Clerk  
City of Menifee

**TO CAST THIS BALLOT, PLEASE RETURN THIS ENTIRE PAGE.**

**OFFICIAL SPECIAL TAX BALLOT**

<b>Name &amp; Address of Property Owner:</b>	<b>Assessor's Parcel Number(s):</b>
AG EHC II (LEN) CA 1, LP Attn: Sepideh Bastani 980 Montecito Drive, Suite 302 Corona, CA 92879	364-190-004 and 364-190-005

CITY OF MENIFEE  
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA  
COMMUNITY FACILITIES DISTRICT NO. 2017-1 (MAINTENANCE SERVICES)

AN "X" OR OTHER MARK WILL CAST ALL VOTES ASSIGNED TO THIS BALLOT

<b><u>SPECIAL TAX BALLOT MEASURE</u></b>	<b>MARK "YES" OR "NO" WITH AN "X":</b>
Shall the City Council of the City of Menifee be authorized to levy a special tax on an annual basis at the rates and apportioned as described in Exhibit C to the Resolution Declaring its Intention to Annex territory to Community Facilities District No. 2017-1 (Maintenance Services) adopted by the City Council on February 15, 2023 (the "Resolution"), which is incorporated herein by this reference, within the territory identified on the map entitled "Annexation Map No. 18 of Community Facilities District No. 2017-1 (Maintenance Services) City of Menifee" to finance certain services as set forth in Section 5 to the Resolution (including incidental expenses), and shall an appropriation limit be established for the Community Facilities District No. 2017-1 (Maintenance Services) in the amount of special taxes collected?	YES _____  NO _____

**Certification for Special Election Ballot**

The undersigned is an authorized representative of the above-named landowner and is the person legally authorized and entitled to cast this ballot on behalf of the above-named landowner.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and that this declaration is executed on \_\_\_\_\_, 20\_\_.

Sepideh Bastani  
Project Manager

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Print Name