

**RESOLUTION NO. 2011-14**

**RESOLUTION OF THE BOARD OF DIRECTORS OF THE  
PHELAN PINON HILLS COMMUNITY SERVICES DISTRICT  
CALLING AN ELECTION ON NOVEMBER 8, 2011,  
TO ESTABLISH AN APPROPRIATIONS LIMIT;  
ESTABLISHING A DEADLINE DATE FOR RECEIPT OF WRITTEN  
ARGUMENTS FOR AND AGAINST THE MEASURE;  
AND REQUESTING CONSOLIDATION WITH ANY AND ALL ELECTIONS  
TO BE HELD IN THE SAME TERRITORY ON THAT SAME DATE**

WHEREAS, the Phelan Pinon Hills Community Services District (“the District”) is a Community Services District located within the County of San Bernardino and organized and operating pursuant to California Government Code Section 61000 et seq.; and

WHEREAS, pursuant to Resolution No. 2994 of the Local Agency Formation Commission of the County of San Bernardino (“LAFCO”) adopted on March 18, 2008, the District is the successor agency to San Bernardino County Service Area 9, San Bernardino County Services Area 56 Improvement Zone F-1, and San Bernardino County Service Area 70 Improvement Zones L and P-4; and

WHEREAS, Section 2(d) of LAFCO Resolution No. 2994 expressly states that “[t]he provisional appropriation limit under Article XIII B of the Constitution of the State of California shall be \$1,203,876;” and

WHEREAS, Condition No. 12 of LAFCO Resolution No. 2994 expressly states as follows: “Pursuant to the provisions of Government Code Section 56811, the provisional appropriation limit of the Phelan Pinon Hills CSD shall be set at \$1,203,876. The permanent appropriation limit shall be established at the first District election held following the first fiscal year of operation and shall not be considered to be a change in the appropriation limit of the District pursuant to Article XIII B of the California Constitution;” and

WHEREAS, Section 4 of Article XIII B of the California Constitution provides that the appropriations limit imposed on the District may be established by the electors of the District, subject to and in conformity with constitutional and statutory voting requirements; and

WHEREAS, the District's revenue from all sources, including current taxes under the provisional appropriations limit set by LAFCO pursuant to Resolution No. 2994 and funds generated by the District from the provision of services, is grossly inadequate for operating and maintaining the District; and

WHEREAS, the District's appropriations limit must be established at a level that would generate sufficient revenue to operate and maintain the District; and

WHEREAS, the District's General Manager has conducted the necessary analysis and calculations in accordance with Article XIII B of the California Constitution to determine that the District's appropriations limit should be established in the amount of \$2,746,933.23; and

WHEREAS, it is the desire of the District's Board of Directors to conduct an election on November 8, 2011, for the purpose of establishing an appropriations limit for the District, to request consolidation with any and all other elections to be held in the same territory on that same date, and to assist the County of San Bernardino in every way possible to assure consolidation.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Phelan Pinon Hills Community Services District as follows:

1. An election shall be conducted within the District on November 8, 2011, to submit to the voters a measure establishing an appropriations limit for the District.
2. Measure " \_\_\_\_\_ " to be submitted to the voters shall be as follows:

Measure " _____ "  Shall an appropriations limit, as defined by Subdivision (h) of Section 8 of Article XIII B of the California Constitution, be established for the Phelan Pinon Hills Community Services District, County of San Bernardino, State of California, in the amount of \$2,746,933.23	YES	
	NO	

3. Measure “\_\_\_\_\_” shall go into effect only if approved by a majority of the qualified voters voting in an election to be held on November 8, 2011, and shall become effective ten (10) days after the District’s Board of Directors has, by Resolution, declared that such Measure was approved by a majority of the voters voting thereon.
4. The deadline date of August 22, 2011, at 5:00 p.m., is hereby established for receipt of written arguments for or against the Measure. The deadline date of August 29, 2011, at 5:00 p.m., is hereby established for the receipt of rebuttal arguments. Written arguments and rebuttals may be submitted by a member of the District’s Board of Directors, any voter or bona fide association of voters within the District, or any combination thereof. Written arguments shall not exceed 300 words in length, and rebuttals shall not exceed 250 words in length. Such arguments and rebuttals shall be filed with the San Bernardino County Registrar of Voters located at 777 E. Rialto Avenue, San Bernardino, California 92415-0770. The written arguments and rebuttals must be accompanied by Statement Form 9600. For information, call: Donald J. Bartz, General Manager of the District, at (760) 868-1212, during regular business hours.
5. The San Bernardino County Board of Supervisors is hereby requested to order that the election on this Measure be consolidated with any and all elections in the same territory to be conducted on November 8, 2011, and that the San Bernardino County Registrar of Voters conduct the election for the District. The District shall reimburse the County of San Bernardino for services rendered in connection with the election upon presentation to the District of a properly approved bill. The District shall further assist the County of San Bernardino, as needed, to prepare for and conduct the consolidated election with the District.
6. The election will be held and conducted, election officers appointed, voting precincts designated, ballots printed, polls opened and closed, ballots counted and returned, returns canvasses, results declared, certificates of election issued and all of the proceedings incidental to and connected with the election shall

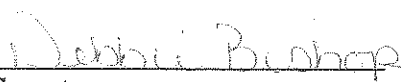
be regulated and done in accordance with the provisions of law regulating the election with which the District election is consolidated.

7. The Secretary of the District's Board of Directors is hereby instructed to file certified copies of this Resolution with the Clerk of the Board of Supervisors of San Bernardino County and with the San Bernardino County Registrar of Voters on or before 5:00 p.m. on August 12, 2011. The Secretary shall also cause this Resolution to be published in the Mountaineer Progress, a newspaper of general circulation printed and published in the District. The District's General Manager and legal counsel are authorized and instructed to take such further action as may be necessary in preparing for and conducting the consolidated election.

ADOPTED this 3 day of August, 2011.

AYES:                 Fahlender, Roberts, Johnson, Morrissette, Anderson  
NOES:  
ABSTAIN:  
ABSENT:

  
\_\_\_\_\_  
President, Board of Directors

ATTEST:   
Secretary