



**CITY OF RANCHO MIRAGE
NOTICE OF PUBLIC HEARING**

**NOTICE OF PUBLIC HEARINGS REGARDING CHANGE PROCEEDINGS FOR
CITY OF RANCHO MIRAGE COMMUNITY FACILITIES DISTRICT NO. 5
(SECTION 31) TO CONSIDER**

**THE ANNEXATION OF TERRITORY TO, ADJUSTMENT OF BOUNDARIES OF, AND
CHANGES TO THE RATE AND METHOD OF APPORTIONMENT FOR,
IMPROVEMENT AREA NO. 1, THE LEVY OF SPECIAL TAXES THEREIN AND THE
INCURRING OF BONDED INDEBTEDNESS TO FINANCE THE ACQUISITION AND
CONSTRUCTION OF CERTAIN PUBLIC FACILITIES THEREIN**

AND

**THE ADJUSTMENT OF BOUNDARIES OF, AND THE LEVY OF SPECIAL TAXES IN,
IMPROVEMENT AREA NO. 4 AND THE INCURRING OF BONDED INDEBTEDNESS
TO FINANCE THE ACQUISITION AND CONSTRUCTION OF
CERTAIN PUBLIC FACILITIES THEREIN**

**Thursday, October 19, 2023
1:00 p.m.**

**CITY OF RANCHO MIRAGE COUNCIL CHAMBERS
69-825 HIGHWAY 111, RANCHO MIRAGE, CALIFORNIA,**

On September 7, 2023, the City Council (the "City Council") of the City of Rancho Mirage (the "City") adopted its Resolution No. 2023-41 (the "Resolution of Intention"), entitled "A Resolution of the City Council of the City of Rancho Mirage, California, of Intention to Annex Territory to City of Rancho Mirage Community Facilities District No. 5 (Section 31) and Improvement Area No. 1 Therein, and To Make Boundary Adjustments Affecting Improvement Area No. 1 and Improvement Area No. 4," stating its intention to annex territory (the "Additional Territory") to the Community Facilities District for designation to Improvement Area No. 1 therein, to make boundary adjustments affecting Improvement Area No. 1 and Improvement Area No. 4, and to levy special taxes therein to finance the acquisition and construction of certain public capital facilities, including the incidental expenses to be incurred in connection financing such facilities (the "Facilities"), and setting October 19, 2023 as the date for a public hearing to be held on the annexation of the Additional Territory to Improvement Area No. 1.

Also on September 7, 2023, the City Council adopted Resolution No. 2023-42 (the "Resolution of Consideration"), entitled "A Resolution of the City Council of the City of Rancho Mirage of Consideration to Change the Rate and Method of Apportionment of Improvement Area No. 1 of City of Rancho Mirage Community Facilities District No. 5 (Section 31)," proposing changes to the rate and method of apportionment of the special tax levied within Improvement Area No. 1 so as to ensure that all Club Property (as defined therein) is exempt from the levy of special taxes, and setting October 19, 2023 as the date for a public hearing to be held on the proposed changes to the rate and method of apportionment of the special tax for Improvement Area No. 1 (as amended, the "Amended and Restated Rate and Method of Apportionment") and for the special taxes to be levied in Improvement Area No. 1 including the Additional Territory and boundary adjustments adding territory to Improvement Area No. 1.

Each of the Resolution of Intention and the Resolution of Consideration refer to Resolution No. 2021-57, entitled "A Resolution of the City Council of the City of Rancho Mirage of Formation of City of Rancho Mirage Community Facilities District No. 5 (Section 31), Designating Improvement Areas Within the Community Facilities District, Authorizing the Levy of a Special Tax Within each Improvement Area and Establishing an Appropriations Limit for each Improvement Area," adopted by the City Council on December 16, 2021 (the "Resolution of Formation"). Each of these resolutions were adopted under and pursuant to the terms and provisions of the "Mello-Roos Community Facilities Act of 1982," being Chapter 2.5, Part 1, Division 2, Title 5 of the Government Code of the State of California, commencing with Section 53311 (the "Act").

Also on October 19, 2023, the City Council will consider certain boundary adjustments to be made between Improvement Area No. 1 and Improvement Area No. 4 and the release of certain property from the Community Facilities District and Improvement Area No. 1 including from the lien of any special tax therein.

The Facilities to be provided pursuant to the Act in Improvement Area No. 1 and in Improvement Area No. 4, including the Additional Territory and as their boundaries are proposed to be adjusted, are described under the caption "Facilities" in Exhibit A to the Resolution of Formation. They are public facilities that the City or other public agencies or utilities, or private facilities that publicly-regulated utilities, are authorized by law to construct, own or operate, or to which they may contribute revenue, and that are necessary to meet increased demands placed upon the City or other public agencies or utilities as a result of development occurring and anticipated to occur within the Community Facilities District. Among such Facilities, City Council intends to consider certain Facilities comprising certain storm drainage, recycled water, and water treatment and conservation systems, each to be completed on private property, as constituting a "public facility" eligible for acquisition under the Acquisition Agreement, as amended, and as may be determined eligible under the Act by City Council.

All of the specifications contained in the City's Resolution of Intention and its Resolution of Consideration on file with the City Clerk (the "Clerk") will be referred to in this Notice as the "Proposals." The Resolution of Formation is also on file with the Clerk, and these three resolutions will be referred to collectively as the "Resolutions." This Notice contains a brief summary of the Proposals, but you are referred to the Resolutions

for the definitive description of the Proposals, including: information within a proposed map entitled "Amended Map of Boundaries of City of Rancho Mirage Community Facilities District No. 5 (Section 31), City of Ranch Mirage, County of Riverside, State of California," demonstrating the original boundaries of the Community Facilities District, the four Improvement Areas, boundary adjustments affecting Improvement Area No. 1 and Improvement Area No. 4, and the property proposed to be annexed to the Community Facilities District for designation to Improvement Area No. 1 and property proposed to be released from the Community Facilities District and Improvement Area No. 1 including from the lien of any special tax therein, which map is referred to herein as the "Amended Boundary Map"; a summary of the proposed changes to the rate and method of apportionment of the special tax levied within Improvement Area No. 1 as described above constituting the Amended and Restated Rate and Method of Apportionment; the rate and method of apportionment of the special tax levied within Improvement Area No. 4; a description of the Facilities; and a list of incidental expenses and bond issuance costs. These Proposals are of concern to qualified electors within the Additional Territory, within Improvement Area No. 1 including the Additional Territory and boundary adjustments adding territory to Improvement Area No. 1, and within the boundary adjustments adding territory to Improvement Area No. 4, respectively.

The Proposals consist of proposed authorizations of (1) the annexation of the Additional Territory to the Community Facilities District for designation to Improvement Area No 1; (2) the levying of special taxes within the Additional Territory and boundary adjustments adding territory to Improvement Area No. 1; (3) changes to the rate and method of apportionment of the special tax as described above to be levied within Improvement Area No. 1 including the Additional Territory and boundary adjustments adding territory to Improvement Area No. 1; and (4) the levying of special taxes within the boundary adjustments adding territory to Improvement Area No. 4.

In order to confer the authority upon the City Council to determine that the Additional Territory proposed to be annexed is added to and part of the existing Improvement Area No. 1 with full legal effect, and that the City Council may levy any special tax within the Additional Territory and boundary adjustments adding territory to Improvement Area No. 1, and to make boundary adjustments affecting Improvement Area No. 4, and to levy special taxes therein to finance the acquisition and construction of the Facilities, each as specified in the Resolution of Intention, and to adopt a resolution of change to the rate and method of apportionment of the special tax for Improvement Area No. 1 and for the special taxes to be levied in Improvement Area No. 1 including the Additional Territory and boundary adjustments adding territory to Improvement Area No. 1, as specified in the Resolution of Consideration, a public hearing must be held on the Proposals, the City Council must make the required determinations, and the qualified electors within the Additional Territory, within Improvement Area No. 1 including the Additional Territory and boundary adjustments adding territory to Improvement Area No. 1, and within the boundary adjustments adding territory to Improvement Area No. 4, respectively, must approve the Proposals by a two-thirds vote as specified in the respective landowner ballots. As Improvement Area No. 1, the Additional Territory, Improvement Area No. 4, and the area within the boundary adjustments affecting Improvement Area No. 1 and Improvement Area No. 4 are each uninhabited, or inhabited

by fewer than 12 registered voters, the qualified electors are, pursuant to the Act, the owners of property within each discrete area.

THIS IS THE NOTICE OF THE PUBLIC HEARINGS.

The public hearings will be held during the City Council meeting on Thursday, October 19, 2023, at the hour of 1:00 p.m., in the Council Chambers at 69-825 Highway 111, Rancho Mirage, California, or as soon thereafter as the City Council may reach the matter.

At the public hearings, any persons interested, including all taxpayers, property owners and registered voters within Improvement Area No. 1 and the Additional Territory and boundary adjustments adding territory to Improvement Area No. 1, and within the boundary adjustments adding territory to Improvement Area No. 4, may appear and be heard, and the oral or written testimony of all interested persons or taxpayers for or against: (1) the annexation of the Additional Territory to the Community Facilities District for designation to Improvement Area No 1; (2) the levying of special taxes within the Additional Territory and boundary adjustments adding territory to Improvement Area No. 1; (3) changes to the rate and method of apportionment of the special tax as described above to be levied within Improvement Area No. 1 including the Additional Territory and boundary adjustments adding territory to Improvement Area No. 1; (4) the levying of special taxes within the boundary adjustments adding territory to Improvement Area No. 4; (5) those facilities proposed to be completed on private property to constitute a "public facility" eligible for acquisition under the Acquisition Agreement, as amended; or (6) on any other matters contained in the Proposals, will be heard and considered.

The effectiveness of each ballot proposal shall be contingent on the passage of the other ballots presented at the special, landowner elections dated October 19, 2023, as described in this notice.

Any protests to the Proposals may be made orally or in writing by any interested persons or taxpayers, except that any protests pertaining to the regularity or sufficiency of the proceedings shall be in writing and shall clearly set forth the irregularities and defects to which objection is made. The City Council may waive any irregularities in the form or content of any written protest and at the public hearings may correct minor defects in the proceedings. All written protests not presented in person by the protester at the public hearings must be filed with the Clerk at or before the time fixed for the public hearings in order to be received and considered. Any written protest may be withdrawn in writing at any time before the conclusion of the public hearings.

Written protests by a majority of the registered voters residing and registered within the within the Additional Territory, within Improvement Area No. 1 including the Additional Territory and boundary adjustments adding territory to Improvement Area No. 1, or within the boundary adjustments adding territory to Improvement Area No. 4, respectively (if at least six such voters so protest), or by the owners of a majority of the land area therein not exempt from the proposed special tax, will require suspension of the proceedings for at least one year. If such protests are directed only against certain elements of the proposed Facilities or the special tax of an Improvement Area including as annexed

and/or adjusted as described above, or the other proposals contained in the Proposals, only those elements need be excluded from the proceedings.


If the City Council determines at the conclusion of the public hearings to proceed with the Proposals, it expects that the proposed voting procedure will be by landowners voting in accordance with the Act, with each owner having one vote for each acre or portion of an acre such owner owns within the Additional Territory, within Improvement Area No. 1 including the Additional Territory and boundary adjustments adding territory to Improvement Area No. 1, or within the boundary adjustments adding territory to Improvement Area No. 4, respectively.

At the time of adoption of the Resolution of Formation, each officer of the City who is or will be responsible for providing one or more of the proposed types of Facilities was directed to study, or cause to be studied the proposed Community Facilities District and the Improvement Areas, to file a report with the City Council containing a brief description of the public facilities by type which will in his or her opinion be required to adequately meet the needs of the Community Facilities District, and to estimate of the cost of providing the Facilities. Questions should be directed to Kofi Antobam, Director of Administrative Services, telephone (760) 324-4511.

DATED: October 5, 2023



Kristie Ramos, City Clerk
City of Rancho Mirage

Declaration of Posting:
I, Kristie Ramos, City Clerk of the City of Rancho Mirage, do hereby declare that a copy of the foregoing Notice of Public Hearing was posted in the City Hall posting box, at the Rancho Mirage Library & Observatory, and on the City website on 10/05/2023.


Signature