

RESOLUTION NO. _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSE APPROVING THE ANNUAL BUDGET REPORT FOR MAINTENANCE DISTRICT 5 (ORCHARD PARKWAY – PLUMERIA DRIVE) FOR FISCAL YEAR 2009-2010 AND LEVYING ASSESSMENTS

WHEREAS, on July 17, 1979, the City Council of San Jose (“City Council”) adopted Resolution No. 51886 providing for the establishment of the City of San Jose Maintenance District 5A (Orchard Parkway - First Street to Plumeria Drive); and

WHEREAS, on July 17, 1979, the City Council adopted Resolution No. 51887 providing for the establishment of the City of San Jose Maintenance District 5B (Orchard Parkway and Plumeria Drive); and

WHEREAS, on June 13, 1995, the City Council adopted Resolution No. 65980 providing for the reformation of the City of San Jose Maintenance Districts 5A and 5B, combined as Maintenance District 5 (Orchard Parkway - Plumeria Drive) in accordance with the provisions of Municipal Code Chapter 14.15, referred to as the Alternative Procedures for Maintenance Districts; and

WHEREAS, on June 20, 2000, the City Council adopted Resolution No. 69686 providing for the reauthorization of the City of San Jose Maintenance District 5 (Orchard Parkway and Plumeria Drive) pursuant to the provisions of Municipal Code Chapter 14.15, which was revised to conform to the requirements of California Proposition No. 218; and

WHEREAS, because the proposed annual change in the assessment does not exceed the change in the Bay Area Consumer Price Index, the Director of Public Works has

prepared and filed with the City Clerk an Annual Budget Report for Fiscal Year 2009-2010 ("Annual Budget Report") according to the requirements of Municipal Code Chapter 14.15; and

WHEREAS, the Annual Budget Report contains any changes for the fiscal year, the proposed budget, the annual levy, the assessment roll and assessment diagram; and

WHEREAS, the City Council has heard all objections, protests or other written communications from all interested persons, and has taken and received oral and documentary evidence pertaining to the matters contained in the Annual Budget Report; and

WHEREAS, the City Council has considered the Annual Budget Report, remedied and corrected any errors or informalities in the Annual Budget Report and revised and corrected any of the acts or determinations of the various City officials as contained therein;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SAN JOSE THAT:

1. The Annual Assessment in the Annual Budget Report does not exceed the change in the Bay Area Consumer Price Index.
2. The Annual Budget Report and each of the assessments therein as duly revised and corrected, are hereby approved, confirmed and adopted.
3. The Annual Budget Report together with the certification of the City Clerk as to the place and date of approval by the City Council, shall forthwith be delivered to

the Director of Finance of the City of San Jose who shall thereafter deliver the assessments to the officer of the County of Santa Clara designated by law to extend City taxes upon the tax roll, and the proper County officer shall cause to be posted to the tax rolls the assessments to be collected for the fiscal year as set forth in the Annual Budget Report as confirmed.

ADOPTED this ____ day of _____, 2009, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

CHUCK REED
Mayor

ATTEST:

LEE PRICE, MMC
City Clerk