

RESOLUTION NO.

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSE APPROVING THE BUDGET REPORT OF THE DOWNTOWN BUSINESS IMPROVEMENT DISTRICT FOR FISCAL YEAR 2009-2010 AND LEVYING ASSESSMENTS IN THE BID FOR FISCAL YEAR 2009-2010

WHEREAS, the City Council of the City of San Jose established the Downtown Business Improvement District ("BID") pursuant to Ordinance No. 22960 dated October 20, 1988, pursuant to the California Parking and Business Improvement Area Law, California Streets and Highway Code §36500 *et seq.* ("Improvement Law"); and

WHEREAS, under and pursuant to the Improvement Law, on June 2, 2009, the Council adopted Resolution No. 74931, declaring the Council's intention to levy the assessments for Fiscal Year 2009-2010 in the BID; and

WHEREAS, said Resolution No. 74931 was duly published, as provided by the Improvement Law; and

WHEREAS, as specified in Resolution No. 74931, a public hearing concerning the levy of assessments for Fiscal Year 2009-2010 was held before the Council on June 2, 2009, at the meeting beginning at the hour of 1:30 p.m. in the Council Chambers of the City of San Jose, 200 East Santa Clara Street, San Jose, California; and

WHEREAS, ___ written protests against the levy of assessments or against any specified improvement or activity were filed with the City Clerk; and

WHEREAS, ___ oral protests were made at the hearing against the levy of assessments or against any specified improvement or activity.

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

1. The Council hereby finds that there were ___ written protests against the levy of assessments for Fiscal Year 2009-2010 and/or against any specified improvement or activity in the BID, and that there is no majority protest within the meaning of Section 36525 of Improvement Law.

2. The Budget Report for Fiscal Year 2009-2010 filed with the City Clerk pursuant to Resolution No. 74931 is hereby approved.

3. The Council hereby finds and determines that the businesses lying within the BID will be benefited by the expenditure of the funds raised by the assessments or charges proposed to be levied.

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4. The levying of assessments in the BID for Fiscal Year 2009-2010 in accordance with this Resolution is hereby authorized.

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

AYES:

NOES:

ABSENT:

DISQUALIFIED:

CHUCK REED
Mayor

ATTEST:

LEE PRICE, MMC
City Clerk