

**DRAFT**

ORDINANCE NO.

**AN ORDINANCE OF THE CITY OF SAN JOSE  
REPEALING PART 33 OF CHAPTER 4.80 OF TITLE 4 OF  
THE SAN JOSE MUNICIPAL CODE, THE ANTI-TOBACCO  
MASTER SETTLEMENT AGREEMENT REVENUE FUND**

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SAN JOSE:

SECTION 1. Part 33 of Chapter 4.80 of Title 4 of the San José Municipal Code is repealed. The repeal of Part 33 shall take effect as set forth in Section 2 of this Ordinance.

SECTION 2. Effective Dates of Repeal.

- A. The repeal of Section 4.80.1800, "Anti-Tobacco Master Settlement Agreement Revenue Fund Established," shall be effective as of June 30, 2011.
- B. The repeal of Section 4.80.1810, "Source of Moneys," shall be effective upon the effective date of this Ordinance.
- C. The repeal of Section 4.80.1820, "Interest," shall be effective upon the effective date of this Ordinance. Any interest accruing in the Anti-Tobacco Master Settlement Agreement Revenue Fund ("Fund") during Fiscal Year 2010-2011 shall be credited to the General Fund.
- D. The repeal of Section 4.18.1830, "Expenditures," shall be retroactive to July 1, 2010. The City Council hereby ratifies any appropriations within the Fund that occurred during any prior fiscal year and that were not consistent with the provisions of Section 4.18.1830.

SECTION 3. Upon disposition of all current encumbrances in the Fund, and no later than June 30, 2011, all moneys remaining in the Fund will be transferred to the General Fund.

PASSED FOR PUBLICATION of title this \_\_\_\_\_ day of \_\_\_\_\_, 2010, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

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CHUCK REED  
Mayor

ATTEST:

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LEE PRICE, MMC  
City Clerk