

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 2011-2012 AND LEVYING INCREASED ASSESSMENTS IN THE BID FOR FISCAL YEAR 2011-2012

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, on May 3, 2011, the Council adopted Resolution No. 75791, setting June 7, 2011 as the date for a public meeting to consider adoption of a resolution of intention to levy increased assessments for fiscal year 2011-2012 in the BID, setting June 21, 2011 as the date for the public hearing on the levy of increased assessments, and directing the City Clerk to publish notice of the two meetings as required by California Government Code Section 54654.6; and

WHEREAS, such notice was duly published as provided in California Government Code Section 54654.6; and

WHEREAS, under and pursuant to the Improvement Law, on June 7, 2011, the Council adopted Resolution No. 75823, declaring the Council's intention to levy the increased assessments for Fiscal Year 2011-2012 in the BID; and

WHEREAS, said Resolution No. 75823 was duly published, as provided by the Improvement Law; and

WHEREAS, as specified in Resolution No. 75823, a public hearing concerning the levy of increased assessments for Fiscal Year 2011-2012 was held before the Council on June 21, 2011, 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 increased assessments or against any specified improvement or activity were filed with the City Clerk; and

WHEREAS, the written protests received from owners of businesses in the BID will not pay 50% or more of the assessments proposed to be levied, as set forth in Section 36525 of the Improvement Law; and

WHEREAS, ___ oral protests were made at the hearing against the levy of assessments or against any specified improvement or activity, and _____ people spoke in support of the BID; and

WHEREAS, Council duly considered such oral protest(s) and determined to increase the assessments as proposed in Resolution No. 75823.

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 2011-2012 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 2011-2012 filed with the City Clerk pursuant to Resolution No. 75823 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.

4. The levying of assessments in the BID for Fiscal Year 2011-2012 in accordance with this Resolution is hereby authorized.

ADOPTED this ____ day of _____, 2011, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

CHUCK REED
Mayor

ATTEST:

DENNIS D. HAWKINS, CMC
City Clerk