

**ORDINANCE NO. 28700**

**AN ORDINANCE OF THE CITY OF SAN JOSE AMENDING ORDINANCE NO. 28593 TO APPROPRIATE MONEYS IN THE CONSTRUCTION EXCISE TAX FUND FOR THE PUBLIC ART; AND PROVIDING THAT THIS ORDINANCE SHALL BECOME EFFECTIVE IMMEDIATELY UPON ADOPTION**

**WHEREAS**, it has been certified that there will be available for appropriation in the Construction Excise Tax Fund in the fiscal year 2009-2010 moneys in excess of those heretofore appropriated therefrom, said excess being at least \$65,000;

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SAN JOSE:**

SECTION 1. Section 2.40 of Ordinance No. 28593 is hereby amended to read as fully set forth on EXHIBIT "A," entitled "AMENDMENTS TO ORD. 28593," which is attached hereto and incorporated herein as though fully set forth in this Section of this Ordinance.

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SECTION 2. This ordinance shall become effective immediately upon adoption, pursuant to Section 605(c) of the Charter of the City of San Jose.

**ADOPTED** IN ACCORDANCE WITH CHARTER SECTIONS 605(c) and 1208  
this 15<sup>th</sup> day of September 2009, by the following vote:

AYES: CAMPOS, CHIRCO, CHU, CONSTANT, HERRERA,  
KALRA, LICCARDO, NGUYEN, OLIVERIO; REED.

NOES: NONE.

ABSENT: PYLE.

DISQUALIFIED: NONE.

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CHUCK REED  
Mayor

ATTEST:

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LEE PRICE, MMC  
City Clerk