

RESOLUTION NO. 73035

**A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSE APPROVING THE BUDGET REPORT OF THE HOTEL BUSINESS IMPROVEMENT DISTRICT FOR THE REMAINDER OF FISCAL YEAR 2005-2006 AND LEVYING ASSESSMENTS IN THE BID FOR THE REMAINDER OF FISCAL YEAR 2005-2006**

**WHEREAS**, on this same date, the City Council of the City of San Jose approved Ordinance No. 27644 to establish the Hotel Business Improvement District ("BID"), pursuant to the California Parking and Business Improvement Area Law, California Streets and Highways Code §36500 *et seq.* ("Improvement Law"); and

**WHEREAS**, on November 15, 2005, the Council adopted Resolution No. 72970 declaring its intention to levy assessments, subject to the establishment of the BID, for the remainder of fiscal year 2005-2006 and set January 10, 2006 as the date of the public hearing on the levy of the proposed assessments; and

**WHEREAS**, notice of the public hearing was duly published as provided in Section 36534 of the Improvement Law; and

**WHEREAS**, as specified in Resolution No. 72970, the Council conducted a public hearing concerning the levy of assessments for the remainder of fiscal year 2005-2006 on January 10, 2006, at the Council 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**, no written protests against the levy of assessments or against any specified improvement or activity were filed with the City Clerk; and

**WHEREAS**, one oral protest was made at the hearing against the levy of assessments from a member of the public not subject to the proposed assessment, and three people spoke in support of the BID; and

**WHEREAS**, Council duly considered such oral protest and determined to levy the assessments as proposed in Resolution No. 72970.

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

1. The Council hereby finds that since there were no written protests against the levy of assessments for the remainder of fiscal year 2005-2006 and/or against any specified improvement or activity in the BID, there is no majority protest within the meaning of Section 36525 of Improvement Law.
2. The Budget Report for the remainder of fiscal year 2005-2006 filed with the City Clerk pursuant to Resolution No. 72970 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 the remainder of fiscal year 2005-2006 in accordance with this Resolution is hereby authorized.

ADOPTED this 10<sup>th</sup> day of January, 2006, by the following vote:

AYES: CAMPOS, CHAVEZ, CHIRCO, CORTESE, LeZOTTE,  
NGUYEN, PYLE, REED, WILLIAMS, YEAGER;  
GONZALES

NOES: NONE

ABSENT: NONE

DISQUALIFIED: NONE

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RON GONZALES  
Mayor

ATTEST:

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LEE PRICE, CMC  
City Clerk