

RESOLUTION NO. 74669

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN JOSÉ, CONTINUING PUBLIC HEARING ON THE ESTABLISHMENT OF CONVENTION CENTER FACILITIES DISTRICT NO.2008-1, CITY OF SAN JOSÉ, COUNTY OF SANTA CLARA, STATE OF CALIFORNIA

WHEREAS, the City Council (the “Council”) of the City of San José (the “City”) duly adopted its Resolution No. 74604 (the “Resolution of Intention”) on September 30, 2008 wherein the Council declared its intention to and proposed to establish a convention center facilities district within the territory of the City under the authority of Chapter 14.32 (the “Chapter”) of the San José Municipal Code and, as provided therein, under the provisions of the Mello-Roos Community Facilities Act of 1982 (Sections 53311 and following of the California Government Code) as they existed at the time of the adoption of the Chapter (the “Act”), and as modified by the Chapter, to be designated and known as “Convention Center Facilities District No. 2008-1, City of San José, County of Santa Clara, State of California” (the “Convention Center Facilities District”), to finance the acquisition, construction, reconstruction, replacement, rehabilitation and upgrade of the San José Convention Center (the “Facilities”); and

WHEREAS, the Council also adopted Resolution No. 74605 (the “Resolution to Incur Bonded Indebtedness”) on September 30, 2008, declaring its intention to incur a bonded indebtedness in the principal amount of not to exceed \$750,000,000 to finance the Facilities; and

WHEREAS, both the Resolution of Intention and the Resolution to Incur Bonded Indebtedness fixed a time and place for a public protest hearing (the “Public Hearing”) to be held by the Council to consider the establishment of the Convention Center Facilities District, the authorization of a special tax to be levied and collected within the Convention Center Facilities District (the “Special Tax”), the proposed rate, method of apportionment and manner of collection of the Special Tax; the Facilities proposed to be authorized to be paid for with the proceeds of the Special Tax collections, the establishment of an appropriations limit for the Convention Center Facilities District, the incurring of the proposed debt and to consider any other matters set forth in the Resolution of Intention and the Resolution to Incur Bonded Indebtedness; and

WHEREAS, pursuant to the Resolution of Intention and the Resolution to Incur Bonded Indebtedness, the Public Hearing was set by the Council for Tuesday, the 18th day of November, 2008, at the hour of 1:30 P.M., in the Council Chambers at San José City Hall, 200 East Santa Clara Street, Council Wing, 2nd Floor, San José, California, 95113; and

WHEREAS, the Council opened the Public Hearing on the date and at the time and place as scheduled; and

WHEREAS, the Council is fully advised in this matter;

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

Section 1. The above recitals are true and correct, and the Council so finds and determines.

Section 2. The Council now finds that the complexity of the proposed Convention Center Facilities District and the need for public participation require additional time. Accordingly, the Council hereby continues the Public Hearing in this matter to Tuesday, the 13th day of January, 2009, at the hour of 1:30 P.M., in the Council Chambers at San José City Hall, 200 East Santa Clara Street, Council Wing, 2nd Floor, San José, California, 95113.

Section 3. The City Clerk is directed to post proper notice of the continuance ordered by this Resolution by the entrance to the Council Chambers, and to submit a written certificate to that effect to the Council prior to January 13, 2009.

Section 4. This resolution shall take effect immediately upon its adoption.

ADOPTED this 18th day of November, 2008, by the following vote:

AYES: CAMPOS, CHIRCO, CHU, CORTESE, LICCARDO,
OLIVERIO, PYLE, WILLIAMS, REED.

NOES: NONE.

ABSENT: CONSTANT, NGUYEN.

DISQUALIFIED: NONE.

CHUCK REED
Mayor

ATTEST:

LEE PRICE, MMC
City Clerk