

RESOLUTION NO. 75001**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN JOSÉ, AUTHORIZING VALIDATION ACTION IN RESPECT OF CONVENTION CENTER FACILITIES DISTRICT NO. 2008-1, CITY OF SAN JOSÉ, COUNTY OF SANTA CLARA, STATE OF CALIFORNIA**

WHEREAS, the City Council of the City of San José (the “City”) duly adopted, on March 10, 2009, its Resolution No. 74826 (Resolution of Formation) and Resolution No. 74827 (Resolution Deeming it Necessary to Incur Bonded Indebtedness) (the “Formation Resolutions”), whereby the City Council established its “Convention Center Facilities District No. 2008-1, City of San José, County of Santa Clara, State of California” (the “Convention Center Facilities District”), and set forth the full description of the various authorities to be conferred upon the City Council by the Convention Center Facilities District; and

WHEREAS, at the same March 10, 2009 meeting the City Council adopted its Resolution No. 74828 whereby it called a special mailed-ballot election for June 9, 2009 to determine if that authority would be conferred upon the City Council; and

WHEREAS, on June 16, 2009, by its Resolution No. 75001 the City Council declared the ballot measure passed by the qualified electors of the Convention Center Facilities District; and

WHEREAS, also on June 16, 2009, the City Council, approved for publication Ordinance No. 28605 (the “Ordinance”) whereby the City Council intends to levy the authorized special tax within the Convention Center Facilities District; and

WHEREAS, the City Council has been advised that bonds of the Convention Center Facilities District, intended to be issued in the future, will be more attractive to the bond market if certain aspects of the Convention Center Facilities District set forth in the Formation Resolutions and the Ordinance are confirmed by an action brought under California Government Code Sections 53356.1(f), and 53359 and California Code of Civil Procedure Sections 860 and following;

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

1. The City Attorney is hereby authorized to file and to prosecute on behalf of the City a civil validation action under the authority of California Government Code Sections 53356.1(f), and 53359 and California Code of Civil Procedure Sections 860 and following, against all persons interested in the matter of the Convention Center Facilities District and the Formation Resolutions, the election procedures, the authorization to levy the special tax, the authorization to issue bonds, the Ordinance, the issuance and validity of the bonds to be issued and all matters related thereto, seeking a declaration of the Superior Court of California in and for the County of Santa Clara that all of those matters are in all respects legal, valid and binding.

ADOPTED this 16th day of June, 2009, by the following vote:

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

NOES: NONE.

ABSENT: CHIRCO, NGUYEN.

DISQUALIFIED: NONE.

CHUCK REED
Mayor

ATTEST:

LEE PRICE, MMC
City Clerk