RESOLUTION NO. 75396

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSE DECLARING ITS INTENT TO LEVY ASSESSMENTS FOR FISCAL YEAR 2010-2011 IN THE DOWNTOWN BUSINESS IMPROVEMENT DISTRICT PURSUANT TO THE PARKING AND BUSINESS IMPROVEMENT AREA LAW OF 1989; AND SETTING THE DATE AND TIME FOR THE PUBLIC HEARING

WHEREAS, the Council of the City of San Jose established the Downtown Business Improvement District ("Business Improvement District") pursuant to the California Parking and Business Improvement Area Law (California Streets and Highway Code Section 36500 et seq.) by Ordinance No. 22960, dated October 20, 1988; and

WHEREAS, the Council appointed the San Jose Downtown Association as the Advisory Board for the Business Improvement District, and the Advisory Board has submitted a proposed Budget Report for fiscal year 2010-2011 ("Report"); and

WHEREAS, pursuant to the Parking and Business Improvement Area Law of 1989, a public hearing must be held on the proposed levy of assessments for each fiscal year.

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

1. The Council hereby declares its intention to levy and collect assessments within the Downtown Business Improvement District, located in the downtown neighborhood of San Jose, California, for fiscal year 2010-2011.

2. The proposed improvements and activities to be funded by the Business Improvement District in fiscal year 2010-2011 are, in general, certain Downtown promotional events, holiday promotions/lighting, parking promotions, district promotions,

public space programming, advocacy, research & planning, operating/administration, marketing and advertising, and communications/publicity.

3. No changes are proposed in the boundaries of the Business Improvement District or the method and basis of levying the assessments in the Business Improvement District as established in fiscal year 2009-2010.

4. All interested parties should refer to the Report on file with the City Clerk of the City of San Jose, City Hall, 200 East Santa Clara Street, San Jose, California, which can also be found online at http://www.sanjoseca.gov, that contains a detailed description of the improvements and activities to be provided for fiscal year 2010-2011, the boundaries of the Business Improvement District, and the proposed assessments to be levied upon the businesses within the Business Improvement District for fiscal year 2010-2011.

5. NOTICE IS HEREBY GIVEN that June 22, 2010, at the hour of 1:30 p.m. or as soon thereafter as the matter may be heard, in the City Council Chambers of the City of San Jose, 200 East Santa Clara Street, San Jose, California, is fixed as the time and place for a public hearing on the levy of the proposed assessments for fiscal year 2010-2011.

6. At the aforesaid public hearing, the testimony of any and all interested persons for or against the levying of assessments for fiscal year 2010-2011 or the furnishing of specified types of improvements or activities in fiscal year 2010-2011 in the Business Improvement District shall be heard and considered by the City Council. Protests against the levying of assessments for fiscal year 2010-2011, the extent of the area of the Business Improvement District, or the furnishing of specified types of improvements or activities may be made orally or in writing by any interested person. Each written protest must be filed with the City Clerk, City Hall, 200 East Santa Clara Street, San

Jose, California, at or before the time fixed for the public hearing. A written protest may be withdrawn in writing at any time before the conclusion of the public hearing.

7. As provided in Section 36525 of the Parking and Business Improvement Area Law of 1989, if written protests against the levying of assessments for fiscal year 2010-2011 are received from the owners of businesses in the Business Improvement District which would pay fifty percent (50%) or more of the assessments proposed to be levied and protests are not withdrawn so as to reduce the protest to less than fifty percent (50%), then no further proceedings to levy the proposed assessment may be taken by the City Council for a period of one year. If the majority protest is against the furnishing of a specified type or types of improvement or activity within the Business Improvement District, then those types of improvements or activities shall be eliminated. In order to be counted in determining a majority protest, a written protest must contain a description of the business of the person submitting the protest sufficient to identify the business as a business within the proposed Business Improvement District.

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8. The City Clerk is hereby directed to give notice of the above-mentioned public hearing pursuant to Section 36534 of the California Streets and Highway Code, by publication.

ADOPTED this 8th day of June, 2010, by the following vote:

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

NOES: NONE.

ABSENT: NONE.

DISQUALIFIED: NONE.

CHUCK REED
Mayor

ATTEST:

LEE PRICE, MMC
City Clerk