RESOLUTION NO. 75412

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSE APPROVING THE ANNUAL BUDGET REPORT FOR MAINTENANCE DISTRICT 15 (SILVER CREEK VALLEY) FOR FISCAL YEAR 2010-2011 AND LEVYING ASSESSMENTS

WHEREAS, on August 4, 1992, the City Council of San Jose ("City Council") adopted Resolution No. 63973, providing for the establishment of the City of San Jose Maintenance District 15 (Silver Creek Valley); and

WHEREAS, on June 17, 1997, the City Council adopted Resolution No. 67417, providing for the reauthorization of the City of San Jose Maintenance District 15 (Silver Creek Valley) pursuant to the provisions of Municipal Code Chapter 14.15, referred to as the Alternative Procedures for Maintenance Districts, which was revised to conform to the requirements of California Proposition 218; and

WHEREAS, because the proposed annual change in the assessment does not exceed the annual change in the Bay Area Consumer Price Index, the Director of Public Works has prepared and filed with the City Clerk an Annual Budget Report for Fiscal Year 2010-2011 ("Annual Budget Report") according to the requirements of Municipal Code Chapter 14.15; and

WHEREAS, the Annual Budget Report contains any changes for the fiscal year, the proposed budget, the annual levy, the assessment roll and assessment diagram; and

WHEREAS, the City Council has heard all objections, protests or other written communications from all interested persons, and has taken and received oral and documentary evidence pertaining to the matters contained in the Annual Budget Report; and

WHEREAS, the City Council has considered the Annual Budget Report, remedied and corrected any errors or informalities in the Annual Budget Report and revised and corrected any of the acts or determinations of the various City officials as contained therein;

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

1. The Annual Assessment in the Annual Budget Report does not exceed the annual change in the Bay Area Consumer Price Index.

2. The Annual Budget Report and each of the assessments therein as duly revised and corrected, are hereby approved, confirmed and adopted.

3. The Annual Budget Report together with the certification of the City Clerk as to the place and date of approval by the City Council, shall forthwith be delivered to the Director of Finance of the City of San Jose who shall thereafter deliver the assessments to the officer of the County of Santa Clara designated by law to extend City taxes upon the tax roll, and the proper County officer shall cause to be posted to the tax rolls the assessments to be collected for the fiscal year as set forth in the Annual Budget Report as confirmed.

ADOPTED this 15th day of June, 2010, by the following vote:

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

NOES: NONE.

ABSENT: CONSTANT.

DISQUALIFIED: NONE.

CHUCK REED
Mayor

ATTEST:

LEE PRICE, MMC
City Clerk