

RESOLUTION NO. _____

**A RESOLUTION OF THE COUNCIL OF THE CITY OF
SAN JOSE DECLARING ITS INTENT TO LEVY
ASSESSMENTS FOR FISCAL YEAR 2025-2026 IN THE
TULLY ROAD EASTRIDGE BUSINESS IMPROVEMENT
DISTRICT, AND SETTING THE DATE AND TIME FOR THE
PUBLIC HEARING**

WHEREAS, the Council of the City of San José established the Tully Road Eastridge Business Improvement District (“Business Improvement District” or “BID”) pursuant to the California Parking and Business Improvement Area Law (California Streets and Highways Code Section 36500 et seq.) (“Parking and Business Improvement Area Law of 1989”) by Ordinance No. 31144, dated November 5, 2024; and

WHEREAS, the Council previously appointed the Tully Rd.-Eastridge Business Association as the Advisory Board for the Business Improvement District, and the Advisory Board has prepared and submitted a proposed Budget Report for Fiscal Year 2025-2026 (“Report”) to advise the Council on the levy of assessments in the BID and the expenditure of revenues derived from the assessments for the benefit of the BID; 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 Tully Road Eastridge Business Improvement District, located in the Tully Road - Eastridge business corridor of San José, California, for Fiscal Year 2025-2026.

2. The proposed improvements and activities to be funded by the Business Improvement District in Fiscal Year 2025-2026 are, in general, clean and safe services, business license, administrative staff, Moveable Feast, and board meeting/reserves.
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 for Fiscal Year 2024-2025.
4. All interested parties should refer to the Report on file with the City Clerk of the City of San José, City Hall, 200 East Santa Clara Street, San José, 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 2025-2026, 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 2025-2026.
5. NOTICE IS HEREBY GIVEN that June 17, 2025, 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 José, 200 East Santa Clara Street, San José, California, is fixed as the time and place for a Public Hearing on the levy of the proposed assessments for Fiscal Year 2025-2026.
6. At the aforesaid Public Hearing, the testimony of any and all interested persons for or against the levying of assessments for Fiscal Year 2025-2026 or the furnishing of specified types of improvements or activities in Fiscal Year 2025-2026 in the Business Improvement District shall be heard and considered by the City Council. Protests against the levying of assessments for Fiscal Year 2025-

2026, 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, either by mail to City Clerk, City Hall, 200 East Santa Clara Street, San José, California, or by e-mail to city.clerk@sanjoseca.gov, 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 2025-2026 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.
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 _____ day of _____, 2025, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

MATT MAHAN
Mayor

ATTEST:

TONI J. TABER, MMC
City Clerk