

RESOLUTION NO. _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSE FINDING THAT SAN JOSE HOTELS, INC. WILL SERVE AS THE OWNERS' ASSOCIATION FOR THE SAN JOSE HOTEL BUSINESS IMPROVEMENT DISTRICT (SJHBID) TO IMPLEMENT THE PROGRAM DESCRIBED IN THE MANAGEMENT DISTRICT PLAN AND AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE AN AGREEMENT WITH SAN JOSE HOTELS, INC. TO PROVIDE THOSE SERVICES, CONTINGENT UPON THE ESTABLISHMENT OF THE SJHBID

WHEREAS, on this same date, the Council of the City of San José ("City") declared its intent to establish the San José Hotel Business Improvement District ("SJHBID") pursuant to the Property and Business Improvement District Law of 1994 (California Streets and Highways Code Section 36600 *et seq.*, the "'94 Law") and set March 20, 2018 as the public meeting and April 24, 2018 as the public hearing for the formation of the SJHBID; and

WHEREAS, a Management District Plan ("Plan") for the formation of the SJHBID has been prepared, which sets forth the proposed boundary of the SJHBID, a service plan and budget, and a proposed means of governance; and

WHEREAS, pursuant to the '94 Law, the Plan proposes that San Jose Hotels Inc. ("SJHI") will serve as the Owners' Association for the SJHBID, and the SJHI Board will determine SJHBID budgets and assessment rates and monitor service delivery as set forth in the Plan; and

WHEREAS, while SJHI is a private entity and may not be considered a public entity for any purpose, nor may its board members or staff be considered to be public officials for

any purpose it is, nevertheless, subject to certain government regulations under the '94 Law relating to transparency, specifically the Ralph M. Brown Act, commencing with Section 54950 of Part 1 of Division 2 of Title 5 of the Government Code), at all times when matters within the subject matter of the SJHBID are heard, discussed, or deliberated, and the California Public Records Act (commencing with Section 6250 of Division 7 of Title 1 of the Government Code), for all records relating to the activities of the SJHBID; and

WHEREAS, the City desires to authorize the City Manager to negotiate and execute an agreement with SJHI to implement the program described in the Plan;

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

1. Finds that San José Hotels, Inc. will serve as the Owners' Association for the San José Hotel Business Improvement District (SJHBID) to implement the program described in the Management District Plan; and
2. Authorizes the City Manager to negotiate and execute an agreement with San José Hotels, Inc. to provide those services described in the Plan, contingent upon the establishment of the SJHBID.

ADOPTED this _____ day of _____, 2018, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

SAM LICCARDO
Mayor

ATTEST:

TONI J. TABER, CMC
City Clerk