

ORDINANCE NO.

**AN ORDINANCE OF THE CITY OF SAN JOSE AMENDING CHAPTER 4.79 AND CHAPTER 4.80 OF TITLE 4 OF THE SAN JOSE MUNICIPAL CODE AND AMENDING CHAPTER 14.32 OF TITLE 14 OF THE SAN JOSE MUNICIPAL CODE TO ESTABLISH THE LIBRARY PARCEL TAX CAPITAL FUND, THE GENERAL PURPOSE PARKING CAPITAL FUND, THE CONVENTION AND CULTURAL AFFAIRS CAPITAL FUND, THE CONVENTION CENTER FACILITY DISTRICT REVENUE FUND, AND THE CONVENTION CENTER FACILITY DISTRICT CAPITAL FUND, AND TO MAKE TECHNICAL AND CLARIFYING CHANGES**

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SAN JOSE:

SECTION 1. Section 4.79.020 of Chapter 4.79 of Title 4 of the San José Municipal Code is amended to read as follows:

**4.79.020 Deposit and Use of Proceeds**

- A. The proceeds of the Library Parcel Tax imposed under this Chapter shall be deposited in a special fund to be known as the San José Library Parcel Tax Fund.
- B. The proceeds of the Library Parcel Tax imposed under this Chapter shall be expended only for Library purposes, including the following:
  - 1. the acquisition of library books and materials and related costs to maintain Library collections at all Libraries;

2. the development and delivery of homework and educational programs for all age groups to support literacy and lifelong learning;
3. the repair, equipping and staffing of Libraries; and
4. the cost of collection and administration of the Library Parcel Tax.

C. Interest which accrues from moneys in the Library Parcel Tax Fund shall be credited to this fund.

SECTION 2. A new section 4.79.030 is added to Chapter 4.79 of Title 4 of the San José Municipal Code, to be numbered, entitled, and to read as follows:

**4.79.030 Library Parcel Tax Capital Fund Established; Source and Use of Moneys**

- A. There is hereby created and established the “Library Parcel Tax Capital Fund.”
- B. There shall be deposited into this fund moneys transferred from the Library Parcel Tax Fund or from any other funds which may be expended on the capital purposes set forth in Section 4.79.020. Moneys deposited into this fund from the Library Parcel Tax Fund may be transferred back into the Library Parcel Tax Fund.
- C. Interest which accrues from moneys in the Library Parcel Tax Capital Fund shall be credited to this fund.

SECTION 3. Part 8 of Chapter 4.80 of Title 4 of the San José Municipal Code is amended to read as follows:

**Part 8**

**CONVENTION AND CULTURAL AFFAIRS FUND AND CONVENTION AND CULTURAL AFFAIRS CAPITAL FUND**

**4.80.400 Created**

There is hereby created and established the "Convention and Cultural Affairs Fund."

**4.80.410 Source and ~~T~~ransfer of ~~M~~oneys**

- A. All revenues derived from the operations of the Civic Auditorium Complex, Montgomery Theater, Center for the Performing Arts and San José McEnery Convention Center, including revenues from facility use, services, utilities, and concessions, shall be credited to and deposited in the Convention and Cultural Affairs Fund. The City Council may transfer to the Convention and Cultural Affairs Fund moneys from the general fund or from any other fund which may be used for the purposes set forth in Section 4.80.420. Interest earned from or attributable to moneys in said Convention and Cultural Affairs Fund shall be credited to and deposited in said fund.
  
- B. The City Council may transfer moneys from said Convention and Cultural Affairs Fund to any other fund. Any and all moneys received by the City from the San José Civic Improvement Authority not required by law or contract to be deposited in some other fund shall be deposited in said Convention and Cultural Affairs Fund; provided, that moneys received after October 1, 1970 from said

Authority as 1970 shall be deposited in the Fund from which said expenditures were made.

#### **4.80.420 Expenditures**

Moneys in the Convention and Cultural Affairs Fund may, pursuant to appropriation made by the City Council, be expended for costs of operation, repair and maintenance and for costs of construction and improvement of the Civic Auditorium Complex, Auditorium Hall, Montgomery Theater, the Center for the Performing Arts (formerly the Community Theater) and the San José McEnery Convention Center, including but not limited to salaries and wages, fringe benefits, supplies, materials and equipment, legal, administrative and overhead expenses, rent, taxes and other costs and expenses incidental to the operation, maintenance, repair, construction and improvement of said facilities. Nothing contained in this Section shall be deemed to prohibit the expenditure of money for such purposes from any other fund or funds of the City legally available for such purposes.

#### **4.80.430 Convention and Cultural Affairs Capital Fund Established; Source and Use of Moneys**

- A. There is hereby created and established the “Convention and Cultural Affairs Capital Fund.”
- B. There shall be deposited into this fund moneys transferred from the Convention and Cultural Affairs Fund or from any other funds which may be expended on the capital purposes set forth in Section 4.80.420. Moneys deposited into this fund from the Convention and Cultural Affairs Fund may be transferred back into the Convention and Cultural Affairs Fund. Moneys in the Convention and Cultural

Affairs Capital Fund shall be expended on the capital purposes set forth in Section 4.80.420.

C. Interest which accrues from moneys in the Convention and Cultural Affairs Capital Fund shall be credited to this fund.

SECTION 4. Part 13 of Chapter 4.80 of Title 4 of the San José Municipal Code is amended to read as follows:

**Part 13**

**GENERAL PURPOSE PARKING FUND AND GENERAL PURPOSE PARKING CAPITAL FUND**

**4.80.650 Created - Name**

There is hereby created a special fund to be known as the "General Purpose Parking Fund."

**4.80.660 Source of Moneys**

The following moneys shall be deposited in the General Purpose Parking Fund:

- A. All moneys received by the City from off-street vehicular parking facilities owned by the City, other than airport parking and municipal stadium parking;
- B. All moneys received by the City from on-street parking meters in public streets;  
and

- C. Moneys transferred by the City Council into the Fund from the General Fund or any other City fund which may be used for the purposes set forth in Section 4.80.670.

**4.80.670 Expenditures and Transfer of Moneys**

- A. Moneys in the General Purpose Parking Fund shall be expended for the following purposes:
1. Acquisition of land and interests in land for public vehicular off-street parking facilities and costs of leasing lands for public vehicular off-street parking purposes;
  2. Operating expenses for off-street parking facilities outside City of San José Parking District No. 1;
  3. Acquisition, construction and installation of improvements for public vehicular off-street parking facilities;
  4. Cost of acquiring and installing parking meters on public ways outside City of San José Parking District No. 1; costs of maintenance, operation, repair and servicing of such parking meters, and costs of collecting the revenues therefrom.
- B. The City Council may transfer moneys from the General Purpose Parking Fund to any other fund.
- C. Interest which accrues from moneys in the General Purpose Parking Fund shall be credited to this fund.**

**4.80.680 General Purpose Parking Capital Fund Established**

There is hereby created and established the “General Purpose Parking Capital Fund.”

**4.80.690 Source of Moneys, Expenditures and Transfers**

- A. There shall be deposited into this fund moneys transferred from the General Purpose Parking Fund or from any other funds which may be used for the capital purposes set forth in Section 4.80.670. Interest which accrues from moneys in the General Purpose Parking Capital Fund shall be credited to this fund.
- B. The City Council may transfer moneys from the General Purpose Parking Capital Fund to any other fund.

SECTION 5. Part 3 of Chapter 14.32 of Title 14 of the San José Municipal Code is amended to read as follows:

**Part 3**

**AUTHORIZED EXPENDITURES – ESTABLISHMENT OF FUNDS**

**14.32.300 Authorized Expenditures**

- A. Any special tax imposed pursuant to this Chapter may finance the acquisition, construction, reconstruction, replacement, rehabilitation, upgrade and maintenance of any Convention Center Facility.
- B. Revenues from any special tax imposed under this Chapter may be spent on the following: debt service; lease payments; cost of issuance of securities issued for

the purpose of financing or refinancing Convention Center Facilities; administrative costs of the District; prepayment of such securities; direct costs of acquisition, design and construction of Convention Center Facilities; ongoing capital repairs and maintenance of Convention Center Facilities.

C. The proceeds of any special tax imposed pursuant to this Chapter shall be expended on the purposes set forth in this Section and shall be deposited in the special funds as set forth below.

#### **14.32.310 Convention Center Facility District Revenue Fund; Deposit of Proceeds**

The proceeds of any special tax imposed under this Chapter shall be deposited in a special fund to be known as the "Convention Center Facility District Revenue Fund." Interest which accrues from moneys in the Convention Center Facility District Revenue Fund shall be credited to this fund.

#### **14.32.320 Convention Center Facility District Capital Fund; Source and Use of Moneys**

A. There is hereby created and established the "Convention Center Facility District Capital Fund."

B. There shall be deposited into this fund moneys transferred from the Convention Center Facility District Revenue Fund or from any other funds which may be expended on the capital purposes set forth in Section 14.32.300. Moneys deposited into this fund from the Convention Center Facility District Revenue Fund may be transferred back into the Convention Center Facility District Revenue Fund. Moneys in the Convention Center Facility District Capital Fund shall be expended on the capital purposes set forth in Section 14.32.300.



C. Interest which accrues from moneys in the Convention Center Facility District  
Capital Fund shall be credited to this fund.

PASSED FOR PUBLICATION of title this \_\_\_\_\_ day of \_\_\_\_\_, 2018, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

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SAM LICCARDO  
Mayor

ATTEST:

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TONI J. TABER, CMC  
City Clerk