

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSE APPROVING THE BUDGET REPORT OF THE DOWNTOWN BUSINESS IMPROVEMENT DISTRICT FOR FISCAL YEAR 2022-2023, LEVYING ASSESSMENTS IN THE BID FOR FISCAL YEAR 2022-2023, AND SUSPENDING THE COLLECTION OF ASSESSMENTS FOR BUSINESSES THAT QUALIFY FOR THE BUSINESS TAX FINANCIAL HARDSHIP EXEMPTIONS UNDER THE CITY'S GENERAL BUSINESS TAX ORDINANCE**

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

**WHEREAS**, under and pursuant to the Improvement Law, on May 24, 2022 the Council adopted Resolution No. 80508, a resolution declaring the Council's intention to levy the assessments for Fiscal Year 2022-2023 in the BID; and

**WHEREAS**, said Resolution No. 80508 was duly published, as provided by the Improvement Law; and

**WHEREAS**, as specified in Resolution No. 80508, a public hearing concerning the levy of assessments for Fiscal Year 2022-2023, including the suspension of the collection of assessments for businesses that qualify for the business tax financial hardship exemptions under the City's General Business Tax Ordinance, was held before the Council on June 14, 2022, at the meeting beginning at the hour of 1:30 p.m. in the Council Chambers of the City of San José, 200 East Santa Clara Street, San José, California, or by teleconference that is open to the public and enables public comment; and

**WHEREAS,** \_\_\_ written protests against the levy of assessments or against any specified improvement or activity were filed with the City Clerk; and

**WHEREAS,** \_\_\_ oral protests were made at the hearing against the levy of assessments or against any specified improvement or activity;

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

1. The Council hereby finds that there were \_\_\_ written protests against the levy of assessments for Fiscal Year 2022-2023 and/or against any specified improvement or activity in the BID, and that there is no majority protest within the meaning of Section 36525 of Improvement Law.
2. The Budget Report for Fiscal Year 2022-2023 filed with the City Clerk pursuant to Resolution No. 80508 is hereby approved.
3. The Council hereby finds and determines that the businesses lying within the BID will be benefited by the expenditure of the funds raised by the assessments or charges proposed to be levied.
4. The levying of assessments in the BID for Fiscal Year 2022-2023 in accordance with this Resolution is hereby authorized.
5. The collection of assessments for businesses that qualify for the business tax financial hardship exemptions under the City's General Business Tax Ordinance is hereby suspended.

ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2022, 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