

RESOLUTION NO. _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSE DECLARING ITS INTENT TO LEVY ASSESSMENTS FOR FISCAL YEAR 2019-2020 IN THE JAPANTOWN BUSINESS IMPROVEMENT DISTRICT PURSUANT TO THE PARKING AND BUSINESS IMPROVEMENT AREA LAW OF 1989; AND SETTING THE DATE AND TIME FOR THE PUBLIC HEARING

WHEREAS, the Council of the City of San Jose established the Jackson-Taylor Business Improvement District (“Business Improvement District”) pursuant to the California Parking and Business Improvement Area Law (California Streets and Highway Code Section 36500 et seq.) pursuant to Ordinance No. 23453 dated May 1, 1990; and

WHEREAS, in 1993, the Council approved the change of the name of the Business Improvement District to the Japantown Business Improvement District; and

WHEREAS, the Council previously appointed the Japantown 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 2019-2020 (“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 Japantown Business Improvement District, located in the Jackson-Taylor neighborhood of San Jose, California, for Fiscal Year 2019-2020.
2. The proposed improvements and activities to be funded by the Business Improvement District in Fiscal Year 2019-2020 are, in general, marketing (advertising, promotions), banner and hardware replacement, beautification and planting/graffiti removal, parking program, Farmer's Market, office expenses (rent, insurance, hardware and software), utilities (web, phone, subscriptions), and sponsorship/support of festivals and events.
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 2018-2019.
4. All interested parties should refer to the Report on file with the City Clerk of the City of San Jose, City Hall, 200 East Santa Clara Street, San Jose, 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 2019-2020, 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 2019-2020.
5. NOTICE IS HEREBY GIVEN that June 4, 2019, 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 Jose, 200 East Santa Clara Street, San Jose, California, is fixed as the time and place for a public hearing on the levy of the proposed assessments for Fiscal Year 2019-2020.

6. At the aforesaid public hearing, the testimony of any and all interested persons for or against the levying of assessments for Fiscal Year 2019-2020 or the furnishing of specified types of improvements or activities in Fiscal Year 2019-2020 in the Business Improvement District shall be heard and considered by the City Council. Protests against the levying of assessments for Fiscal Year 2019-2020, 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, City Hall, 200 East Santa Clara Street, San Jose, California, 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 2019-2020 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 _____, 2019, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

SAM LICCARDO
Mayor

ATTEST:

TONI J. TABER, CMC
City Clerk