

DRAFT

ORDINANCE NO.

**AN ORDINANCE OF THE CITY OF SAN JOSE TO
DISESTABLISH THE HOTEL BUSINESS IMPROVEMENT
DISTRICT PURSUANT TO SECTION 36550 OF THE
CALIFORNIA PARKING AND BUSINESS IMPROVEMENT
AREA LAW**

WHEREAS, the Council of the City of San José (City) established the Hotel Business Improvement District (HBID) under the provisions of the Parking and Business Improvement Area Law of 1989, Section 36500 *et seq.* of the California Streets and Highways Code ('89 Law) by Ordinance No. 27644, dated January 24, 2006; and

WHEREAS, the HBID's Advisory Board notified the City of its desire to modernize the HBID by disestablishing the current HBID established under the '89 Law and re-establishing it as the San José Hotel Business Improvement District (SJHBID) pursuant to California Streets and Highways Code Section 36600 *et seq.*, otherwise known as the Property and Business Improvement District Law of 1994 ('94 Law); and

WHEREAS, under the '89 Law, the Council adopted Resolution No. 78585 on May 22, 2018, declaring an intention to disestablish the HBID and fixing the time and place for the public hearing; and

WHEREAS, said Resolution No. 78585 was duly published, and copies thereof were mailed to each business owner within the HBID, as provided under the '89 Law; and

WHEREAS, as specified in Resolution No. 78585, a public hearing concerning the disestablishment of the HBID was held before the Council on June 12, 2018, at the hour of 1:30 p.m. in the Council Chambers of City Hall, located at 200 East Santa Clara Street in the City of San José;

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SAN JOSE:

1. Pursuant to the '89 Law, the Hotel Business Improvement District located within the City of San Jose, California is hereby disestablished, and Ordinance No. 27644 shall have no further force and effect.
2. Since the new '94 Law SJHBID, approved by the City Council on April 24, 2018, contains the same lodging businesses as the '89 Law HBID, any remaining revenue will be transferred to the new SJHBID, to be used for marketing and promotions efforts that benefit those businesses which paid the assessment.
3. The City's Office of Economic Development is hereby directed to give notice of the disestablishment of the HBID in accordance with Section 36551(b) of the '89 Law, by publication to the general public no later than 15 days after the adoption of this ordinance.
4. This ordinance shall take effect and be in force as of July 1, 2018.

RD:KMM:CER
5/14/2018

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

AYES:

NOES:

ABSENT:

DISQUALIFIED:

SAM LICCARDO
Mayor

ATTEST:

TONI J. TABER, CMC
City Clerk