

**SECOND AMENDMENT TO THE AGREEMENT
BETWEEN THE CITY OF SAN JOSE AND
THE SAN JOSE DOWNTOWN PROPERTY OWNERS ASSOCIATION AND
SAN JOSE DOWNTOWN ASSOCIATION FOR
THE MANAGEMENT AND DELIVERY OF SERVICES FOR
THE SAN JOSE DOWNTOWN PROPERTY-BASED BUSINESS IMPROVEMENT
DISTRICT**

This Second Amendment to the Agreement (“Second Amendment”) is made and entered on the date of January 1, 2023 (“Effective Date”), by and among the CITY OF SAN JOSE, a municipal corporation of the State of California (hereinafter “City”), the SAN JOSE DOWNTOWN PROPERTY OWNERS ASSOCIATION FOR THE DOWNTOWN PROPERTY-BASED BUSINESS IMPROVEMENT DISTRICT, a California non-profit corporation (hereinafter “Owners Association”), and the SAN JOSE DOWNTOWN ASSOCIATION, a California non-profit corporation (hereinafter “Downtown Association”). Each of City, Owners Association, and Downtown Association are sometimes hereinafter referred to as a “Party” and collectively as the “Parties.”

RECITALS

WHEREAS, the City Council adopted Resolution No. 76358 on June 19, 2012 approving the expansion and renewal of the Downtown Property-Based Business Improvement District (“District”) under the provisions of the Property and Business Improvement District Law of 1994, Section 36600 *et seq.* of the State of California Streets and Highways Code (“PBID State Law”) for a ten year period from January 1, 2013 to December 31, 2022; and

WHEREAS, the City Council adopted Resolution No. 80471 on April 19, 2022 finding that the Downtown Association remains uniquely situated to manage and oversee the delivery of services specified in the PBID Management Plan and Engineer’s Report, and to delegate authority to the City Manager, or designee, to negotiate and execute an

agreement with the SJDA to provide management of the expanded and renewed PBID, if approved by the property owners and formed by the City Council; and

WHEREAS, the Parties desire to enter into this Second Amendment to the original Agreement with the Downtown Association and the Owners Association to extend the term for the management and delivery of services for the for the Downtown Property-Based Business Improvement District, retroactively from January 1, 2023 through June 30, 2023;

NOW THEREFORE, THE PARTIES HEREBY AGREE TO AMEND THE AGREEMENT AS FOLLOWS:

SECTION 1. TERM OF AGREEMENT

A. The term of this Amended Agreement shall be effective from January 1, 2023 and shall continue until June 30, 2023, inclusive, unless earlier terminated in accordance with Section 11 of the original Agreement.

SECTION 2. All of the terms and conditions of the original Agreement not modified by this Second Amendment shall remain in full force and effect.

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WITNESS THE EXECUTION HEREOF on the day and year first hereinabove written.

“City”

APPROVED AS TO FORM:

CITY OF SAN JOSE, a municipal
corporation

MATTHEW TOLNAY
Deputy City Attorney

By _____
SARAH ZARATE
Director, Office of the City Manager

“Owners Association”

PBID OWNERS ASSOCIATION, a
California non-profit corporation

“Downtown Association”

SAN JOSE DOWNTOWN ASSOCIATION,
a California non-profit corporation

By _____
CHUCK HAMMERS
President, Board of Directors

By _____
SCOTT KNIES
Executive Director