

RESOLUTION NO. _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSE DECLARING ITS INTENT TO LEVY ASSESSMENTS, SUBJECT TO THE ESTABLISHMENT OF THE TULLY ROAD EASTRIDGE BUSINESS IMPROVEMENT DISTRICT, FOR FISCAL YEAR 2024-2025 AND SETTING A PUBLIC HEARING FOR NOVEMBER 5, 2024 PURSUANT TO THE PARKING AND BUSINESS IMPROVEMENT AREA LAW OF 1989

WHEREAS, on this same date, the Council of the City of San José declared its intent to establish the Tully Road Eastridge Business Improvement District ("TREBID") pursuant to the California Parking and Business Improvement Area Law of 1989, Streets and Highway Code Section 36500 *et seq.* ("89 Law") and set a public hearing on November 5, 2024 for the establishment of the TREBID; and

WHEREAS, the Council appointed the Tully Road - Eastridge Business Association as the Advisory Board for the TREBID, and the Advisory Board has prepared and submitted a proposed Budget Report for the remainder of fiscal year 2024-2025 (ending June 30) ("Report"); and

WHEREAS, pursuant to the 89 Law, 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:

1. The City Council hereby declares its intention to levy and collect assessments within the Tully Road Eastridge Business Improvement District ("TREBID"), located within the city limits of San José, California, for the remainder of fiscal year (ending June 30) 2024-2025.

2. Subject to approval of the levying of assessments for Fiscal Year 2024-2025, the TREBID assessment will fund various beautification, marketing, and promotion programs.
3. All interested parties should refer to the Report on file with the City Clerk of the City of San José, 200 East Santa Clara Street, 14th Floor, San José, California, which contains a detailed description of the activities to be provided for the remainder of fiscal year 2024-2025, the boundaries of the TREBID, and the proposed assessments to be levied upon the businesses within the TREBID.
4. NOTICE IS HEREBY GIVEN that November 5, 2024, 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 José, 200 East Santa Clara Street, San José, California, is fixed as the time and place for a public hearing on the levy of the proposed assessments for the remainder of fiscal year 2024-2025.
5. At the aforesaid public hearing, the testimony of any and all interested persons for or against the levying of assessments for the remainder of fiscal year 2024-2025 or the furnishing of specified types of improvements or activities in the remainder of fiscal year 2024-2025 in the TREBID shall be heard and considered by the City Council. Protests against the levying of assessments for the remainder of fiscal year 2024-2025, the extent of the area of the TREBID, 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, 200 East Santa Clara Street, San José, 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.

6. As provided in Section 36525 of the 89 Law, if written protests against the levying of assessments for the remainder of fiscal year 2024-2025 are received from the owners of businesses in the TREBID 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 from the date of the finding of a majority protest by City Council. If the majority protest is against the furnishing of a specified type or types of improvement or activity within the TREBID, 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 TREBID, and, if a person protesting is not shown on the official records as the owner of the business, the protest shall contain or be accompanied by written evidence that the person protesting is the owner of the business.

7. The City Clerk is hereby directed to give notice of the above-mentioned public hearing pursuant to Section 36534 of the Parking and Business Improvement Area Law of 1989, by publication.

ADOPTED this _____ day of _____, 2024, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

MATT MAHAN
Mayor

ATTEST:

TONI J. TABER, MMC
City Clerk