

DRAFT 2/22/2021 *RLB*

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY
OF SUNNYVALE DECLARING CITY COUNCIL'S
INTENTION TO LEVY AND COLLECT AN ASSESSMENT
AND TO REAUTHORIZE THE DOWNTOWN
SUNNYVALE BUSINESS IMPROVEMENT DISTRICT FOR
FISCAL YEAR 2021/2022 AND HOLD A PUBLIC HEARING**

WHEREAS, under California Streets and Highways Code Section 36500, *et seq.*, the City Council of the City of Sunnyvale is authorized to reauthorize an improvement district and to act as the legislative body for an improvement district; and

WHEREAS, the City Council now desires to review the annual report and proceed with the reauthorization of an improvement district in order to finance improvements and/or activities necessary or incident to development in the City of Sunnyvale.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SUNNYVALE THAT:

1. Authority. The City Council proposes to conduct proceedings and declares its intention to reauthorize an improvement district pursuant to California Streets and Highways Code Section 36500, *et seq.*
2. Name. The name of the district will continue to be the "Downtown Sunnyvale Business Improvement District" (the "District").
3. Boundaries. No changes are proposed in the boundaries of the Business Improvement District as established in fiscal year 2021-2022.
4. Annual Report. The annual report for the District (the "Report") with a detailed description of the improvements and activities is on file in the office of the City Clerk and is attached to the Report to Council No. 21-0233 and the City Council hereby approves the Report.
5. Improvements. A Report with the types of improvements and activities proposed to be funded by the levy of assessments on businesses in the District is on file in the Office of the City Clerk.
6. Benefit Fee. The City Council intends to levy an annual benefit fee on businesses in the District to pay for selected improvements and activities of the District. All funds of the District shall be expended on improvements and activities within the District. There are no changes proposed for the method and basis of levying the assessments in the Business Improvement District as established in fiscal year 2021-2022.

7. Exemption. New businesses shall be exempt from payment of the fee until the next period following the commencement of operations of the business.

8. Public Hearing. A public hearing to reauthorize the levying the assessment is hereby set for May 4, 2021, at 7:00 p.m., before the City Council of the City of Sunnyvale, at Council Chambers, City Hall, 456 West Olive Avenue, Sunnyvale, CA.

(a) Testimony. At the public hearing the testimony of all interested persons, for or against the reauthorization of the District and levying of the assessment, interested in matters concerning the boundaries of the District, the areas of benefit within the District and the assessments to be levied, will be heard.

(b) Protest(s). A protest against the reauthorization of the District and levying of the assessment, or any aspect of it, may be made orally or in writing. Any oral protest shall be made at the said public hearing. To count in the majority protest against the District, a protest must be in writing. A written protest may be withdrawn from record at any time before the conclusion of the public hearing. Each written protest shall contain a written description of the business in which the person signing the protest is shown on the official records of the City of Sunnyvale as the owner of the business. If the written protest is not signed by registered business owner, then the protest shall contain or be accompanied by written evidence that the person is the owner of the business. Any written protest as to the regularity or sufficiency of the proceedings shall be in writing and clearly state the irregularity of defect to which objection is made.

If, at the conclusion of the public hearing, there are of record, written protests by the owners of the businesses within the District that will pay fifty percent (50%) or more of the total assessments of the entire District, no further proceedings to reauthorize the District and to levy the assessment shall occur for a period of one year from the date of the finding of a majority protest by the City Council.

If the majority of the written protests are only against the furnishing of a specified type or types of improvement or activity within the area, those types of improvements or activities shall be eliminated, pursuant to Streets and Highways Code Section 36525.

9. Notice of Public Hearing. The City Clerk is hereby directed to cause notice of the public hearing to be given by causing copies of this Resolution to be posted in three (3) prominent places in the City of Sunnyvale and to cause publication of this Resolution in a newspaper of general circulation once, at least seven (7) days before the hearing, and a list of places where copies of this Resolution are posted.

Adopted by the City Council of the City of Sunnyvale at a regular meeting held on _____, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

RECUSAL:

ATTEST:

APPROVED:

City Clerk
(SEAL)

Mayor

APPROVED AS TO FORM:

City Attorney