CITY OF SAN JOSE

DOWNTOWN PARKING BOARD

RESTATED BY-LAWS

(Revised as of August 2, 2005)

Originally Adopted JUNE-1998

322117

FIRST AMENDED AND RESTATED BYLAWS OF THE DOWNTOWN PARKING BOARD

The City of San Jose Downtown Parking Board, herein after referred to as "Board," does hereby adopt the following First Amended and Restate Bylaws as the rules of said Board:

ARTICLE I

OFFICERS

Section 1. Officers, Enumeration of.

Section 2. Officers, Election of.

The Board shall elect all Officers of the Board.

Section 3. Chairman Qualifications of.

The Chair shall be one of the members of the Board.

Section 4. Chair, Term of Office of.

The Chair shall be elected for terms of one (1) year commencing on the first day of July and continuing to the succeeding 30th day of June. Election of the Chair for each of the fiscal years from and after July 1, 1997 shall be held in June of each year.

If the Chair should cease to be a member of the Board prior to the expiration of his/her term of office, a vacancy shall be deemed to have occurred in the office of Chair, and a successor shall be elected by the Board for the unexpired portion of his/her term.

Section 5. Chair, Powers and Duties of.

The Chair shall have the following powers and duties:

(a) The Chair shall preside at all meetings of the Board

(b) The Chair shall sign all written resolutions of the Board, and all minutes of all meetings of the Board, which shall have been approved by the Board.

Section 6. Vice-Chair, Qualification of.

The Vice-Chair shall be one of the members of the Board.

Section 7. Vice-Chair, Election of.

The members of the Board shall elect the Vice-Chair.

Section 8. Vice-Chair, Term of Office of.

The Vice-Chair shall be elected for terms of one (1) year commencing on the first day of July and ending on the succeeding 30th day of June. Election of the Chair for each of the fiscal years from and after July 1, 1997 shall be held in June of each year.

If the Vice-Chair should cease to be a member of the Board prior to the expiration of his/her term of office, a vacancy shall be deemed to have occurred in the office of Vice-Chair, and a successor shall be elected by the Board for the unexpired portion of his/her term.

Section 9. Vice-Chair, Powers and Duties of.

The Vice-Chair shall have the following powers and duties:

(a) The Vice-chair shall have and perform all powers and duties of the Chair in the event of and during the absence or disability of the Chair.

(b) The Vice-Chair shall preside as Vice-Chair at all meetings of the Board in the event of and during the absence of the Chair.

(c) The Vice-Chair shall perform such other duties as may be required of him/her either by ordinance of the City of San Jose, or by resolution or order of the Board not inconsistent with the Charter or ordinances of the City of San Jose.

Section 10. Chair Pro Tempore

In the event of the absence or disability of the Chair and Vice-Chair at any meeting of the Board, the Board shall elect one of its members as Chair Pro Tempore to preside over such meeting.

ARTICLE II

SECRETARY

Section 1. Secretary, Appointment of.

The Redevelopment Agency's Parking Program Coordinator is hereby designated and appointed as the Secretary of the Board. So long as said Coordinator is Secretary, the powers and duties of the Secretary may be performed by any duly appointed deputy of the Parking Program Coordinator.

Section 2. Secretary, Term of.

The person or officer appointed to the position of Secretary shall hold such position until removed therefrom by resolution or order of the Board.

Section 3. Secretary, Powers and Duties of.

The Secretary shall have the following powers and duties:

(a) The Secretary shall attend all meetings of the Board, and keep a record of minutes of all that transpires at such meetings.

(b) The Secretary shall attest all written resolutions of the board and all minutes of all meetings of the Board, which shall have been approved by the Board, and shall have custody of the same.

(c) The Secretary shall keep and have custody of all books, records, and papers of the Board, and certify true copies thereof whenever necessary.

(d) The Secretary shall perform such other duties as may be required of him/her either by ordinance of the City of San Jose, or resolution or order of the Board not inconsistent with the Charter or ordinance of the City of San Jose.

Section 4. Secretary, Office of.

The Office of the Secretary shall be Suite 1400 at the Redevelopment Agency of the City of San Jose, located at 200 East Santa Clara Street, San Jose, California, 95113.

ARTICLE III

MEETINGS

Section 1. Regular Meeting Place.

The regular meeting place of the Board shall be at San Jose City Hall, located at 200 East Santa Clara Street, San Jose, CA 95113.

Section 2. Regular Meetings.

Regular meetings of the Board during the year shall be held on the first Wednesday of every month.

Section 3. Adjourned Meetings; Special Meetings.

Adjourned meetings and special meetings may be held pursuant to and in accordance with the provisions of the Ralph M. Brown Act.

Section 4. Agenda; Closing Date of; Mailing of.

Any and all matters which are to be placed upon the agenda for consideration by the Board at a regular meeting shall be filed with the Secretary not later than 5:00 o'clock p.m. on the 13th calendar day immediately preceding the regular meeting at which the matters on such agenda shall be considered by the Board. The Secretary shall make up such agenda and shall have a copy of such agenda mailed to each member of the Board.

The Board shall not consider any matter, which does not appear on the agenda, which has been publicly posted at least 72 hours before the meeting.

Section 5. Quorum.

Four (4) or more members of the Board shall constitute a quorum to do business; but a lesser number may adjourn a meeting or adjourn a meeting to a stated time and place.

Section 6. Vote Required.

No action shall be taken by the board unless four (4) or more members of the Board vote for the taking of such action; provided that where less than quorum is present, a majority of those present may adjourn or adjourn to a specified time and place.

Section 7. Discussion through Chair Only; Limitation of Discussion; Disqualification of Members.

Discourse shall not be had directly among members of the Board nor between persons in attendance and members of the Board. Persons in attendance may address the Board or members thereof only through the Chairman. Members of the Board may address one another or persons in attendance only through the Chairman.

Except as otherwise provided in the procedures governing the conduct of public meetings set forth in Article IV hereof, discussion on any particular matter either by the Board or by any person in attendance may be limited, in the discretion of the Chair, to such time as the Chair may find to be reasonable under the circumstances, provided that any decision of the Chair to limit discussion may be overruled by the Board.

Any member who is legally disqualified from participating in Board actions on any particular matter shall take no part in the decision, debate, or vote on such matter; and as soon as such matter is reached on the agenda, such member shall disclose his/her disqualification and the reason therefore, or if disqualification is not known to him at the time such matter is reached on the agenda he/she shall make such disclosure as soon as his/her disqualification is known to him/her.

Section 8. Motions: Debate Thereof; Debate limited to Members of Board.

No debate of a motion shall be permitted prior to a second of the motion. When a motion is made and seconded, the Chair shall state it before being debated; and such debate shall be limited to members of the Board only. Members of the Board may speak in debate of a motion only upon addressing the Chair and being recognized by him/her. After the Chair has started to take the vote on the motion there shall be no further debate except that members of the Board may be allowed to explain their vote.

Section 9. Voting: Ayes and Noes.

Every member of the Board who is present at a meeting when a motion comes up for vote shall vote for or against the motion unless he/she is disqualified from voting for any legal reason and abstains from voting because of such disqualification. All voting by the Board shall be by "ayes" and "noes," and shall be entered by the Secretary in the record of the Board proceedings. Upon request of any member of the Board, a roll call vote shall be taken on any matter upon which a vote is called, and shall be recorded by the Secretary in the record of the Board's proceedings.

Section 10. Petitions and Communications: Filing, Reporting, and Inspection Thereof.

All written petitions and communications on the agenda of a meeting shall be filed with the Board at such meeting and shall be so marked by the Secretary. The Secretary shall orally report the substance of such petitions and communications to the Board; provided that upon the request of any member of the Board present at the meeting, any such petition or communication shall be read aloud in its entirety by the Secretary. Any member of the Board may inspect such petitions and communications at any time.

Section 11. Documents and Objects Presented to Board: Filing and Inspection Thereof.

All documents and all physical objects presented to the Board at any meeting by any person shall be filed with the Board at such meeting and shall be so marked by the Secretary. Any member of the Board may inspect any such document or

purposes of providing a fair and orderly meeting, the procedures hereinafter set forth in the following sections of this Article shall govern the conduct of all meetings before the Board on matters which the Board is required to conduct a public meeting, provided further that such procedures are for the convenience of the Board and are merely directory and not binding on the Board and no action of the Board shall be affected by any failure of the Board, the Chair, or other members of the Board to follow such procedures.

Except as may be otherwise required by law for the conduct of a meeting on any particular matter, the technical rules of evidence shall not apply; and as used hereinafter in this Article, the word "evidence" is not used in the limited sense of legally admissible evidence.

Section 2. Time of Public Meetings; Continuances.

Starting at the respective times set for a meeting, the matters on each of said meeting calendars will be called and heard in the order in which they appear on such calendars until proper disposition has been made of such matters. The Board may continue any meeting before the Board from time to time. In continuing any such meeting, the Board shall specify the time and place at which the meeting will be continued.

Meetings shall not be interrupted for any other item on the agenda, and all other items on the agenda shall be delayed until proper disposition has been made in accordance with law of all matters on said meeting calendars.

Section 3. Allowable Time for Presentation.

All persons desiring to speak or make a presentation will be given a reasonable time to do so. Although no maximum time limits are imposed, the Chair may impose time limits with respect to any presentation if he/she finds such action necessary to prevent abuse or to provide all interested persons a fair opportunity to be heard. It is urged that all presentations be as brief and concise as reasonably possible, without unnecessary delay or repetition.

Section 4. Evidence, Testimony, Statements and Arguments Submitted, Presented, or Made at Meetings.

Any person may submit, present, or make at said meeting, any evidence, testimony, statements, or arguments in favor of or against the matter, which is being heard.

Section 5. Exhibits, Marking and Filing Thereof; Examination Thereof by Members.

All documentary or real evidence, which is presented to the Board at a meeting, shall be identified by the person presenting the same and shall be filed by him/her with the board as an exhibit by submitting the same at such meeting to the Secretary. The Secretary shall mark all such documentary and real evidence submitted to him/her as having been filed with the board at such meeting and shall designate the same by an appropriate exhibit number or letter.

All documentary or real evidence file with the Board may be examined by members of the Board at any time; provided that members shall not comment on or ask questions about the same except during the meeting, nor discuss the same except during the discussion thereof among the members after the meeting has been closed and the matter stands submitted.

Section 6. Questioning Through the Chair.

Questioning of persons who appear and make presentations may, with the consent of such person, but not otherwise, be permitted at the discretion of the Chair.

After gaining recognition from the Chair and stating his/her name, address, any who they represent, any person in attendance at the meeting may request permission from the Chair to ask questions of any person who has appeared and made a presentation and who has consented to such questioning, and if the Chair grants his/her request, then such person may ask questions in accordance with and subject to the procedures set forth in this Article. The Chair's decision on whether a person may be questioned at all; who may ask questions of him/her; the number of questions which may be asked of him/her, and; whether a particular question may be asked him, shall be final

Section 7. Discussion and Deliberation by Members on Submitted Matters.

After the public hearing portion of the meeting has been closed and the matter is submitted for decision, the members of the Board may discuss the matter among themselves. No other persons may speak and no further exhibits may be filed. Members of the Board shall address one another through the Chair. Subject to the requirements of law, the board may take under submission for a reasonable period of time any matter, which has been heard before it and may for this purpose continue its deliberation on such matter from time to time. In continuing such deliberations the Board shall specify the time and place at which such deliberations will be continued.

Section 8. Order of Proceedings.

All meetings shall proceed in the order of the Agenda for such meeting scheduled for a specific date, time and place. The Chair, at his/her discretion, may change the order of the Agenda, provided that a majority of the members of the Board agree to it.

ARTICLE V

OFFICE OF THE BOARD

Section 1. Office of the Board.

The Office of the Secretary, situated at the Redevelopment Agency of the City of San Jose, 200 East Santa Clara Street, Suite 1400, San Jose, California, 95113, shall be the Office of the Board.

ARTICLE VI

MAILING ADDRESS OF MEMBERS

Section 1. Mailing Address of Members.

Members of the Board shall file with the Secretary the address to which all agendas, notices and other papers, which may be mailed to them, shall be sent.

Section 2. Person in Attendance, When may Speak.

Persons in attendance shall not speak unless and until expressly invited to do so by the Chair.

Section 3. Agenda; Mailing thereof.

Only those items referred to the committee of the whole by the Board shall appear on the agenda of the committee. The Secretary of the Board shall mail a copy of the agenda to each member of the committee prior to the meeting for which the agenda was prepared. Such agenda shall be mailed at least five (5) days prior to the meeting date.

ARTICLE VII

COMMITTEES AND SPECIAL APPOINTMENTS

Section 1. Committee Appointments

The Chairperson shall appoint the committees which, shall perform those duties which are assigned to them by the Board and shall render reports and recommendations on matters submitted to them by the Board. The committees
may be of any size and shall comply with the requirement of the Ralph M. Brown Act.

Section 2. Special Assignments
Other special assignments may be designated by the Chairperson from time to time as required. Reports on these assignments shall be presented to the Board.

ADOPTED this 2nd day of August, 2005, by the following vote:

AYES: 6
NOES:0
ABSENT: 0

Board Chair

Secretary

ORDINANCE NO 26387

AN ORDINANCE OF THE CITY OF SAN JOSE AMENDING PART 36 OF CHAPTER 2.08 OF TITLE 2 OF THE SAN JOSE MUNICIPAL CODE TO CLARIFY THE APPOINTMENT PROCESS FOR MEMBERS OF THE DOWNTOWN PARKING BOARD AND TO ALLOW MEMBERS TO SERVE SECOND TERMS

WHEREAS, the City of San Jose has established the Downtown Parking Board, which facilitates coordination between the various persons and entities having interests in the City's Downtown Parking Program and increases the effectiveness of the Program; and

WHEREAS, the Downtown Parking Board serves as a forum for the discussion of downtown parking issues and reviews, studies and makes recommendations to the City Council and Redevelopment Agency Board for the City of San Jose regarding the City's Downtown Parking Program; and

WHEREAS, the Downtown Parking Board consists of various individuals having an interest in the City's Downtown Parking Program; and

WHEREAS, while the make up of the Downtown Parking Board has been structured to assure that all interested segments of the Downtown community have representation on the Downtown Parking Board, this has created difficulty in recruiting members that fit the representational requirements of the Board; and

WHEREAS, to resolve this recruiting problem, this ordinance is being amended to clarify the appointment process and allow for members to serve second terms.

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

Part 36 of Chapter 2.08 of Title 2 of the San Jose Municipal Code is hereby amended to be numbered, entitled and to read as follows:

Part 36
Downtown Parking Board

2.08.3600 Board Established

The Downtown Parking Board is hereby established.

2.08.3610 Downtown Defined

For purposes of this Part 36, "Downtown" shall mean the area within the Downtown Core and the Downtown Frame, as described in the 2020 General Plan, as that document may be amended from time to time.

2.08.3620 Appointment of Members

Members shall be appointed to the Board upon the Mayor's recommendation to the City Council and the City Council's approval of such recommendation.

2.08.3630 Number of Members

The Board shall consist of seven (7) members as follows:

A. A member of the Downtown Business Association.

B. An owner or representative of an owner of a private off-street parking facility located Downtown.

C. A representative from San Jose State University.

D. A Downtown resident.

E. A member of an organization representing Downtown arts and/or special events.

F. Two (2) at-large individuals with expertise in business and/or finance.

2.08.3640 **Representative Membership**

The Council of the City of San Jose finds and declares as follows:

A. The members appointed to the Board to represent the interests of various groups in matters related to administration of the Downtown Parking Board are intended to represent and further the interest of such groups, and such representation is intended to and will serve the public interest.

B. The members of the Downtown Business Association appointed to the Downtown Parking Board are intended to represent and further the interest of the Downtown business community, and their representation will ultimately serve the public interest. Accordingly, the Council finds that for the purposes of members of the Downtown Business Association who serve on the Downtown Parking Board, the Downtown business community is tantamount to and constitutes the public generally within the meaning of California Government Code Section 87103.

C. The owners or representatives of owners of Downtown, private off-street parking facilities appointed to the Downtown Parking Board are intended to represent and further the interest of Downtown, private off-street parking facility owners, and their representation will ultimately serve the public interest. Accordingly, the Council finds that for purposes of owners of Downtown, private off-street parking facilities who serve as members of the Downtown Parking Board, the owners of private off-street parking

B. Members who are appointed to serve unexpired terms shall serve to the end of the former incumbent's term. Such member may be reappointed to serve on the Board for two full four-year terms if the member served less than three and one-half years of the unexpired term.

2.08.3660 Functions, Powers And Duties

The Board shall have the following functions, powers, and duties:

A. Review, evaluate and make recommendations to the City Council regarding the City's Downtown Parking Program, including, but not limited to:

1. The updating and implementation of any Downtown parking plan that has been approved by the City Council.

2. The annual capital and operating budgets respecting the Downtown parking program.

3. The award of consultant and vendor contracts related to the Downtown Parking Program.

4. The goals and objectives for the Downtown parking program.

5. The on-street and off-street parking rates and implementation of parking validation programs.

6. The marketing of on-street and off-street parking facilities in Downtown.

7. The implementation of Downtown parking enforcement.

8. The operation of public off-street and on-street parking facilities.

B. Periodically review, evaluate and make recommendations regarding the parking fund fiscal reports and the use of parking operations revenues.

C. Review and make recommendations on Downtown parking needs, the expansion, addition or improvement of Downtown parking facilities, and improvements to parking operations Downtown.

D. Serve as a public forum for the discussion of Downtown parking issues.

PASSED FOR PUBLICATION OF TITLE this 15th day of May, 2001 by the following vote:

AYES: CAMPOS, CORTESE, DANDO, DIQUISTO, LeZOTTE, REED, SHIRAKAWA, WILLIAMS, YEAGER; GONZALES

NOES: NONE

ABSENT: CHAVEZ

DISQUALIFIED: NONE

Ron Gonzales

RON GONZALES
Mayor

ATTEST

Patricia L. O'Hearn

PATRICIA L. O'HEARN
City Clerk

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SJ#: 250476

ORDINANCE NO 26387
AN ORDINANCE OF THE CITY OF SAN JOSE AMENDING PART 36 OF CHAPTER 2.08 OF TITLE 2 OF THE SAN JOSE MUNICIPAL CODE TO CLARIFY THE APPOINTMENT PROCESS FOR MEMBERS OF THE DOWNTOWN PARKING BOARD AND TO ALLOW MEMBERS TO SERVE SECOND TERMS
PASSED FOR PUBLICATION OF TITLE this 15th day of May, 2001 by the following vote:
AYES: CAMPOS, CORTESE, DANDO, DIQUISTO, LeZOTTE, REED, SHIRAKAWA, WILLIAMS, YEAGER: GONZALES
NOES: NONE
ABSENT: CHAVEZ
DISQUALIFIED: NONE
RON GONZALES, Mayor
ATTEST:
PATRICIA L. O'HEARN, City Clerk
05/22/01

SJ- 250476#

PROOF OF PUBLICATION

(2015.5 C.C.P.)

State of California)
County of Santa Clara) ss

Notice Type: GORSJ SAN JOSE ORDINANCE (1 PUB)

Ad Description: ORDINANCE #26387

I am a citizen of the United States; I am over the age of eighteen years, and not a party to or interested in the above entitled matter. I am the principal clerk of the printer and publisher of the SAN JOSE POST-RECORD, a newspaper published in the English language in the City of San Jose, and adjudged a newspaper of general circulation as defined by the laws of the State of California by the Superior Court of the County of Santa Clara, State of California, under date of February 3, 1922, Case No. 27,844. That the notice, of which the annexed is a printed copy, has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates, to-wit:

05/22/01

Executed on: 05/22/01
At Los Angeles, California

I certify (or declare) under penalty of perjury that the foregoing is true and correct.

G. Bramblila
Signature