



COUNCIL AGENDA: 2/7/2023

ITEM: 2.10

FILE NO: 23-202

Memorandum

TO: HONORABLE MAYOR AND
CITY COUNCIL

FROM: Toni J. Taber, CMC
City Clerk

SUBJECT: SEE BELOW

DATE: February 7, 2023

SUBJECT: Retroactive Approval of Tower and Rotunda Lighting for the Vietnamese Heritage and Freedom Flag Raising Tet Celebration Sponsored by Council District 5 as a City Council Sponsored Special Event to Expend City Funds and Accept Donations of Materials and Services for the Event

Recommendation

As recommended by the Rules and Open Government Committee on February 1, 2023:

- (a) Retroactively approve the Tower and Rotunda Lighting for the Vietnamese Heritage and Freedom Flag Raising Tet Celebration scheduled on January 25, 2023 as a City Council sponsored Special Event and approve the expenditure of funds; and
- (b) Approve and accept donations from various individuals, businesses, or community groups to support the event.

CEQA: Not a Project, File No. PP17-011, Temporary Special Events resulting in no changes to the physical environment. (Ortiz)

[Rules Committee referral 2/1/2023 - Item B.3]



Memorandum

TO: HONORABLE MAYOR AND
CITY COUNCIL

FROM: Councilmember Peter Ortiz

SUBJECT: SEE BELOW

DATE: January 20th, 2023

APPROVED:

SUBJECT: RETROACTIVE APPROVAL OF THE TOWER AND ROTUNDA LIGHTING FOR THE VIETNAMESE HERITAGE AND FREEDOM FLAG RAISING TET CELEBRATION AS A CITY COUNCIL SPONSORED SPECIAL EVENT TO EXPEND CITY FUNDS AND ACCEPT DONATIONS OF MATERIALS AND SERVICES FOR THE EVENT.

RECOMMENDATION

1. Retroactively approve the Tower and Rotunda Lighting for the Vietnamese Heritage and Freedom Flag Raising Tet Celebration event scheduled on January 25th, as a City Council sponsored Special Event and approve the expenditure of funds.
2. Approve and accept donations from various individuals, businesses, or community groups to support the event.
3. Place the item on the February 7th, 2023, Council Agenda for action.

BACKGROUND

On February 1, 2005, the City Council adopted Resolution 72517 which requires Councilmembers to submit a memorandum to the Rules Committee regarding proposed City Council sponsored Special Events and the proposed use of any funds.

The Vietnamese Heritage and Freedom Flag Raising Tet Celebration event was free, open to the public, and sponsored by Councilmember Peter Ortiz.

ANALYSIS

City Council Policy 7-14, City Hall Event Lighting Policy, Sections B.1 and C.1 allows Rotunda and Tower lighting in conjunction with proclamations for official actions or ceremonial items as approved by City Council.

“The display of the Vietnamese Freedom and Heritage Flag is permitted under Council Policy 2-1, Section C.3 — Flags Displayed in Conjunction with Official Ceremonial Items: “Other flags may be displayed in conjunction with official actions, ceremonial items, or proclamations of the City Council.” Pursuant to

Resolution Nos. 72679 and 78064, the City of San Jose recognizes the Vietnamese Heritage and Freedom Flag as the official flag of the Vietnamese-American community in San Jose.”

Approval by the City Council of the event will ensure compliance with the Council’s prior direction regarding Council Special Events. In observance of existing fundraising disclosure requirements, Councilmember Magdalena Carrasco will report any cash or in-kind donations received for the event on their Disclosure of Fundraising Report (DFR-1). Approval of this memorandum will enable Council District 5, City departments and the Office of the City Clerk to proceed with the event. Any cash donations received will be processed pursuant to the City’s normal financial and budgetary procedures.

PUBLIC OUTREACH/INTEREST

The Office of the City Clerk will post the item on the City’s Website for the February 1st, 2023, Rules Committee Agenda and the February 7th, 2023, City Council Agenda.

CEQA

- ☐ Not a Project, File No. PP10-069(c), City Administrative Activities.
- ☐ Exempt, File No. PP12-080. Minor temporary use of land having negligible or no permanent effect on the environment.
- ☐ Exempt, File No. PP13-056, Activities associated with citywide litter clean-up activities.
- ☐ Exempt, File No. PP11-046, Graffiti removal services.

Reviewed by:

TONI J. TABER, CMC
City Clerk

For questions, please contact Toni Taber, City Clerk, at (408) 535-1260.