



COUNCIL AGENDA: 5/16/2023

ITEM: 2.11

FILE NO: 23-720

## Memorandum

**TO:** HONORABLE MAYOR AND  
CITY COUNCIL

**FROM:** Toni J. Taber, CMC  
City Clerk

**SUBJECT: SEE BELOW**

**DATE:** May 16, 2023

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**SUBJECT: Retroactive Approval of Black April Commemoration Sponsored by Council District 7 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 May 3, 2023:

- (a) Retroactively approve the Black April Commemoration Event scheduled on April 30, 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. (Doan)

[Rules Committee referral 5/3/2023 - Item B.2]



# Memorandum

**TO:** HONORABLE MAYOR AND  
CITY COUNCIL

**FROM:** Councilmember Bien Doan  
District 7

**SUBJECT:** SEE BELOW

**DATE:** 04/19/2023

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APPROVED:

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**SUBJECT: RETROACTIVE APPROVAL OF BLACK APRIL COMMEMORATION  
SPONSORED BY COUNCIL DISTRICT 7 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 Black April Commemoration Event scheduled on April 30, 2023 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 May 16, 2023 Council Agenda for action.

## **BACKGROUND**

On February 1, 2005, the City Council adopted Resolution No. 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 Black April Commemoration Event will be held on April 30, 2023 at City Hall and sponsored by Councilmember Bien Doan in partnership with the Vietnamese American Roundtable. This special event will recognize and pay homage to the perilous journeys that many Vietnamese-American immigrants embarked upon 48 years after the fall of Saigon; many of them relying on the starlit night sky to navigate their way across the Pacific Ocean for better opportunities.

This year's Black April Commemoration, anticipated to welcome nearly 300 attendees from across Northern California, will feature a flag-raising ceremony at San Jose City Hall, multigenerational speakers and performances, and a reception with interactive and educational exhibits on the histories of refugee resettlement and the Vietnamese-American experience presented partnering community-based organizations.

We invite you to attend our 11th Annual Black April Commemoration for the 48th Anniversary of the Fall of Saigon. The program will be held at the San José City Hall Rotunda beginning at 2:00 pm on Sunday, April 30, 2023, themed “Highlighting Our Heroes: Starlight in the Night Sky.”

The event is free and open to the public.

The display of the Vietnamese Freedom and Heritage Flag on April 30, 2023 is permitted under Council Policy 2-1, 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.

### **ANALYSIS**

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 Bien Doan 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 7, 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 May 3, 2023 Rules Committee Agenda and the May 16, 2023 City Council Agenda.

### **CEQA**

Not a Project, File No. PP15-077, Temporary Special Events.

Reviewed by:

TONI J. TABER, CMC  
City Clerk

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