



Memorandum

TO: HONORABLE MAYOR AND
CITY COUNCIL

FROM: Councilmember Johnny Khamis
District 10

SUBJECT: SEE BELOW

DATE: April 24, 2019

APPROVED:

4/24/19

**SUBJECT: APPROVAL OF CITY HALL FREE USE ON SATURDAY MAY 4TH BY
DISTRICT 10 OFFICE FOR A MEMORIAL OBSERVANCE BY THE
VIETNAMESE-AMERICAN COMMUNITY FOR LY VAN TONG**

RECOMMENDATIONS

1. Adopt a resolution authorizing "Free Use" for a Memorial Observance in the Rotunda to recognize Ly Van Tong's advocacy for the Vietnamese-American community in San José and throughout the United States, for promoting citizen engagement by naturalized citizens from Vietnam, and for his activism on behalf of Human Rights throughout the world, hosted by members of the Vietnamese-American community and the Council District 10 office.
2. Approve and accept donations from various individuals, businesses, or community groups to support the event.
3. Place the item on the April 30th Council Agenda for action.

OUTCOME

Council District 10 Office will be granted free use of the City Hall Rotunda and parking in the City Hall Garage and 4th Street Garage for the Ly Van Tong Memorial.

BACKGROUND

In June 2016, the City adopted the Schedule of Fees Resolution No. 77829 for City Hall Facility and Plaza Use. Presently, the resolution allows the City Council, Redevelopment Agency Board, and City departments to have "Free Use" of the facilities for those events that 1) qualify as official City business; 2) are free and open to the public; 3) occur on a Sunday through Friday; and 4) are booked 30 days in advance. Resolution No. 77829 does not apply to free use requests for Saturday events and as such City Council approval is required to authorize free use by the Vietnamese-American Community for the Ly Van Tong Memorial on Saturday, May 4, 2019.

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Members of the Vietnamese-American community in San José, in conjunction with Council District 10, seek approval for free use of City Hall facilities to hold a celebration of the life and legacy of Ly Van Tong, known throughout the world for his advocacy for Vietnamese-Americans and for Human Rights for victims of communist, authoritarian regimes, and known throughout San José for his work to engage Vietnamese-American citizens in the political process.

It is the objective of the City of San José to engage and promote participation in the community by all members of our diverse immigrant communities, including the Vietnamese-American population – one of the largest in the United States. This event promotes this engagement by celebrating the contributions of a leading figure and activists of the Vietnamese-American community in advancing this engagement and participation. The event is free and open to the public.

ANALYSIS

Approval of this event's Free Use designation is required because the event will be held on Saturday, May 4th, from 5 PM to 8 PM and will be held in fewer than 30 days. Approval by the City Council of the event will ensure compliance with the Council's prior direction regarding Council Special Events. This event is expected to significantly benefit the community if scheduled on a Saturday as it would accommodate the schedules of community members who own small businesses or work full-time jobs during the weekday and increase the number of participants.

Free Use is being requested because of the public benefit this event will bring to the City of San José by supporting the City's Mission to provide quality public services, facilities and opportunities that create, sustain, and enhance a vibrant community for its diverse residents, businesses, and visitors, and welcome and engage people from the City's diverse communities into full civic participation.

In recognition of existing fundraising disclosure requirements, Councilmember Khamis will report any cash or in-kind donations received for the event on the Disclosure of Fundraising Report (DFR-1). Approval of this memorandum will enable Council District 10, 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.

EVALUATION AND FOLLOW UP

The primary metrics for this event include the number of attendees, amount of exposure the City gets for its Regional, National, and International reputation for equal inclusion and attention to all its residents.

PUBLIC OUTREACH/INTEREST

Upon approval of this Free Saturday Use, public outreach will be conducted by members of the Vietnamese-American community and the District 10 office. The Office of the City Clerk will post the item on the City's Website as part of the April 30, 2019 City Council Meeting Agenda.

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COORDINATION

This memorandum has been coordinated with the Office of the City Attorney, Office of the City Clerk, and Public Works/Event Services.

COMMISSION RECOMMENDATION/INPUT

This item does not require commission input.

COST AND FUNDING SOURCE

The total cost of the event to the City is \$6,216, of which \$1,136 will be paid by members of the Vietnamese-American community (Ly Tong Memorial Committee). The remaining \$5,080 will be charged to the Department of Public Works/Event Services' budget. The breakdown of expenses is below. In addition, estimated loss of parking revenue at the City Hall garage and 4th Street garage is \$1,350 (150 cars x 3 hours of use, for a maximum of \$1,350). Each year, each Council Office is allotted seven free uses for events qualifying for free use. Approval of this action would go toward one of the Council Office's free uses. To date, the Council District 10 Office has used one (1) free use.

\$1,136 Paid by members of the Vietnamese-American community (Ly Tong Memorial Committee)

- Event Captains: \$180
- First Alarm Security Guards: \$416
- A/V Personnel: \$400
- Late Application Fee: \$140

\$5,080 Paid by the Department of Public Works/Event Services

- Facility Rental: \$3,200
- Refundable Damage Deposit: \$1,000
- Equipment: \$880

CEQA

Statutorily Exempt, File No. PPI 7-005, CEQA Guidelines Section 15273, Rates, Tolls, Fares, and Charges, Adjustment to Fees, Rates & Fares without changes to or expansion of services.

Reviewed by:

TONI J. TABER, CMC
City Clerk

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