

RESOLUTION NO. 8236

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILPITAS DIRECTING THE CHIEF OF POLICE TO IMPLEMENT A POLICY REQUESTING PRIOR NOTICE OF VISITS OF DELEGATIONS FROM THE SOCIALIST REPUBLIC OF VIETNAM

WHEREAS, the Council has received a Petition from the Vietnamese American Community of Northern California requesting adoption of a resolution requiring the Police Chief to implement a policy seeking prior notice of visits from delegations from the Socialist Republic of Vietnam; and

WHEREAS, the Petition cites examples of where such visits have in the past caused political disruption in other communities requiring increased police services and causing additional expense to those communities for provision of those services; and

WHEREAS, in the event that visits from Socialist Republic of Vietnam delegations to the City of Milpitas do create a need for additional police services in order to protect the public health and safety, it would reduce or eliminate added expense for provision of those services if at least 14 days prior notice were given to the City to plan for such event; and where failure to provide 14 days prior notice would likely result in unexpected additional expenditures for police services; and

WHEREAS, the need for unexpected additional police services resulting from political disruption caused by inadequately noticed visits from the Socialist Republic of Vietnam is a preventable event and therefore inadequately noticed unexpected visits from the Socialist Republic of Vietnam predictably will result in political disruption injurious to health and unlawful obstruction of streets, sidewalks and public spaces constituting a public nuisance and the costs thereof should be borne by the outside organizer, agency or jurisdiction sponsoring the visit and who failed to give adequate notice of such visit; and

WHEREAS, under the California Environmental Quality Act (CEQA), this action is considered exempt as there is no possibility that it will have an impact upon the environment; and

NOW, THEREFORE, the City Council of the City of Milpitas hereby finds, determines, and resolves as follows:

1. The City Council has considered the full record before it, which may include but is not limited to such things as the staff report, testimony by staff and the public, and other materials and evidence submitted or provided to it. Furthermore, the recitals set forth above are found to be true and correct and are incorporated herein by reference.
2. The City Council of Milpitas does not condone or sanction high-profile visits, stopovers, or drive-bys by representatives and officials of the Socialist Republic of Vietnam government or that of any delegations affiliated with or organized by the same within the physical boundary of the City of Milpitas.
3. The City Council of Milpitas is opposed to the expenditure of much needed City funds and resources in a manner that promotes visits from the Socialist Republic of Vietnam delegations to Milpitas. This policy statement does not prevent the Chief of Police or other affected security manager of the City from taking appropriate security and public safety measures for the community.
4. The City Council of Milpitas hereby directs the Chief of Police to implement a detailed "PRIOR NOTICE" policy of requesting outside organizers, agencies and jurisdictions to inform on the nature, purpose and duration of visits, drive-bys, or stopovers of government delegations and affiliated groups from the Socialist Republic of Vietnam, at least fourteen (14) calendar days before such occurrence.
5. The City Council of Milpitas further directs that the Police Chief at the earliest available opportunity, report to the Mayor and all Council Members of such visits, drive-bys, or stopovers, once the notification is made from the requesting organizer, agency or jurisdiction.
6. In the event an outside organizer, agency or jurisdiction fails to provide the 14-day "PRIOR NOTICE" described above in Section 3, the City Council of Milpitas directs the Police Chief to prepare an invoice for services for submission to the City Council for approval concerning police services rendered resulting from a visit or drive-by to the City of Milpitas by delegations or groups affiliated with the Socialist Republic of Vietnam government, for submission to the outside organizer, agency or jurisdiction.

PASSED AND ADOPTED this 5TH day of March 2013, by the following vote:

AYES: 4 *Esteves, Giordano, Moritano and Polanski*

NOES: 0

ABSENT: 0

ABSTAIN: 1 *Gomez*

ATTEST:

Mary Lavelle
Mary Lavelle, City Clerk

APPROVED:

Jose S. Esteves
Jose S. Esteves, Mayor

APPROVED AS TO FORM:

Michael J. Ogaz
Michael J. Ogaz, City Attorney