

RESOLUTION NO. _____

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 ____ day of _____, 2013, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

Mary Lavelle, City Clerk

APPROVED:

Jose S. Esteves, Mayor

APPROVED AS TO FORM:

Michael J. Ogaz, City Attorney



VIETNAMESE AMERICAN COMMUNITY OF NORTHERN CALIFORNIA

CỘNG ĐỒNG VIỆT NAM BẮC CALIFORNIA

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❖ **Executive Board**

- *Tien Nguyen N.
- *John Nhan Nguyen
- *Christine Do
- *Mai Tran
- *Hao Thai

❖ **Supervisor Board**

- *Nghiep Phan Q.
- *Hung Nguyen M.
- *Nghiem Nguyen V.

PETITION

HONORABLE
MAYOR AND CITY COUNCIL OF MILPITAS

Dear HON. Mayor and Council Members,
ON behalf of The Vietnamese-American Community of Northern California and the Vietnamese-American Community of Milpitas, acting as their official elected representative I, President of the Vietnamese American Community of Northern California hereby appeal to the Mayor and the City Council Members of Milpitas the following:

WHEREAS, the City of Milpitas is home to a high percentage of Vietnamese-American citizens and residents of any city in The United States;

WHEREAS, the vast majority of America Citizens and residents of Vietnamese descent residing in The United States, and particularly in Milpitas, reject the current dictatorial rule of the Vietnamese Communist Party;

WHEREAS, many citizens and residents of Vietnamese descent residing in Milpitas risked their lives to escape from communist-occupied Vietnam following the fall of South Vietnam on April 30th 1975 and came to The United States in their search for freedom and democracy;

WHEREAS, visits and proposed visits by representatives or officials of the Socialist Republic of Vietnam to regions where there are large concentrations of Vietnamese-American citizens and residents, in Milpitas area, neighboring Milpitas and especially in the LITTLE SAIGON, have been previously met with angry protests and demonstrations;

WHEREAS, in the past (1999), the Vietnamese-American community was outraged by sympathizers of the Socialist Republic of Vietnam who provoked the community by displaying a photograph of the deceased tyrant HO CHI MINH and the flag of communist-occupied Vietnam;

WHEREAS, that act of provocation resulted in fifty-three (53) continuous days of demonstrations with more than fifteen thousand (15,000) persons demonstrating against the symbols of the Vietnamese communist regime;

WHEREAS, The City of Westminster incurred expenses in excess of seven hundred fifty thousand (750,000) dollars as a result, including not only the additional cost to the Westminster Police Department, but also the cost of support from neighboring law enforcement agencies which assisted in

controlling the unprecedented demonstrations;

WHEREAS, the anti-communist sentiments held by the members of the Vietnamese-American community in Northern California State and particularly in Milpitas City are as strong, if not stronger than those held anywhere else in the World;

WHEREAS, the risks to public safety and to the community and also to representatives and officials of the Socialist Republic of Vietnam or their commercial or trade delegations, from stops, drive-bys or visits in or near Milpitas, particularly when inadequate notice is provided, are enormous, creating a significant threat of civil disturbance and unrest;

WHEREAS, from stops, drive-bys or visits in or near Milpitas, by representatives and officials of the Socialist Republic of Vietnam or their commercial or trade delegations, are certain to provoke, and appear to be intended to provoke, outrage and reaction by the Vietnamese-American community;

WHEREAS, inadequate notice and last-minute requests for security service from the city to protect Vietnamese communist delegations coming to or through the city creates unanticipated safety risks and a financial burden to the community and to the city.

WHEREAS, the current deficit in California has adversely impacted counties and municipalities in the State, including The City of Milpitas, which results in hiring freezes and cuts in public safety personnel and programs;

WHEREAS, communist delegations and trade groups formally affiliated with the Hanoi regime visiting MILPITAS bring no economic or political benefit to Milpitas City, but only causes turmoil and disruption to the city and its residents.

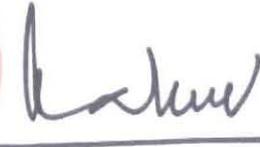
For these Reasons, We appeal to the Milpitas City Council to issue a Resolution that read as follows:

1. The City Council of Milpitas does not condone, welcome or sanction high-profile visits, stopovers, drive-bys, by representatives and officials of the Vietnamese communist government or that of any delegations affiliated with or organized by the same within the physical boundary of the city of Milpitas.
2. The City Council of Milpitas is opposed to the expenditure of much needed city funds and resources in a manner that promotes visits from Vietnamese communist 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;
3. The City Council of Milpitas hereby directs the Chief of Police to implement a detailed "PRIOR NOTICE" policy of requiring outside agencies and jurisdictions requesting public safety assistance from the

Milpitas Police Department and other public safety personnel in the city, to inform on the nature, purpose and duration of such visits, drive-bys, or stopovers of government delegations and affiliated groups from communist Vietnam, at least fourteen (14) calendar days before such occurrence;

4. 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 request is made from the requesting agency or jurisdiction.
5. The City Council of Milpitas requests that the police chief prepare a completed "Co-Bill" for submission to the city council concerning police services rendered to the requesting agency or jurisdiction in the aftermath of a visit or drive-by by delegations of groups affiliated with the Vietnamese communist government that failed to abide by the city's 14-day "PRIOR NOTICE" policy;

Respectfully,
MILPITAS, February 19, 2013



President of VAC-Norcal.
Tien Nguyen Ngoc

Non-Communist zone Petition Committee of VAC-Norcal:

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