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January 30, 2008

Our File Number: 17DL-134870

***VIA FACSIMILE AND FEDEX***

Hon. Mayor Chuck Reed  
Hon. Members of the City Council  
City of San Jose  
200 East Santa Clara Street  
San Jose, CA 95113  
tel. (408) 535-4800  
fax. (408) 292-6422

Re: City Council Meeting on November 20, 2007, and Resolution No. 74127, Adopted November 20, 2007

Dear Mayor Reed and Members of the City Council:

I am writing on behalf of the Northern California Vietnamese American Community ("VACNORCAL") to request that the City Council cure and correct the City's adoption of Resolution No. 74127, creating and naming the "Saigon Business District" ("SBD"). VACNORCAL requests that Resolution No. 74127 be rescinded, and that any and all future actions with respect to the creation or naming of a Vietnamese retail area be taken in strict compliance with the Ralph M. Brown Act.

The discussion of the creation and naming of the SBD and the adoption of Resolution No. 74127 violated the Ralph M. Brown Act (Government Code section 54950, *et seq.*, hereafter the "Brown Act"). In particular, they violated Government Code sections 54952.2 and 54953.

Prior to the City Council meeting on November 20, 2007, members of the City Council engaged in a series of communications involving a majority of the members of the City Council, in an effort to develop a collective concurrence as to action to be taken on the creation and naming of the SBD. These communications included, but were not limited to, a memorandum dated November 15, 2007, signed by the Mayor and four other members of the City Council. As a result of these communications, it appears that the agreement of a majority of the members of the City Council to approve the creation of a Vietnamese retail area and to name it the "Saigon Business District" was obtained. However, regardless of whether an actual

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agreement was obtained, it is clear that a majority of the members of the City Council became involved in an effort to achieve consensus on the action to be taken and deliberated on that proposal, through communications outside of any noticed public meeting of the City Council. That violated Government Code section 54953 and 54952.2.

VACNORCAL supports the creation of a Vietnamese destination retail area. However, together with the vast majority of the San Jose Vietnamese American community, VACNORCAL opposes branding that area with the name "Saigon Business District." For reasons that may be difficult for those outside the Vietnamese American community to appreciate, but which are understood and compelling within that community, VACNORCAL and its members—many of whom live or work in the SBD area—vehemently object to being associated with the "Saigon Business District" name. In adopting the resolution creating the SBD and imposing that name upon it, the City unfortunately disregarded both the will of the community and the Brown Act.

Therefore, VACNORCAL respectfully requests that the City take immediate action to cure and correct those violations, by rescinding Resolution No. 74127 and taking any future actions with regard to a Vietnamese retail area in accordance with the Brown Act. VACNORCAL also requests that the City refrain from creating or installing any signage using the "Saigon Business District" name. Finally, the City should take all necessary steps to ensure that hardcopy and electronic documents or records relating to the creation and naming of a Vietnamese retail area in San Jose are preserved, including electronic communications or records that might otherwise be erased or expunged by automated processes.

Thank you for your attention to this matter. We look forward to your prompt response.

Sincerely,



James M. Chadwick

SHEPPARD, MULLIN, RICHTER & HAMPTON LLP

\* \* \* COMMUNICATION RESULT REPORT ( JAN.30.2008 10:49AM ) \* \* \*

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To: Hon. Mayor Chuck Reed  
Hon. Members of the San Jose City Council

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Hon. Members of the City Council  
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bcc: Mr. Tien Nguyen

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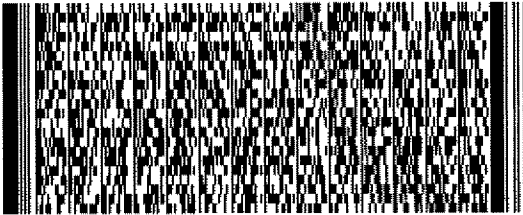


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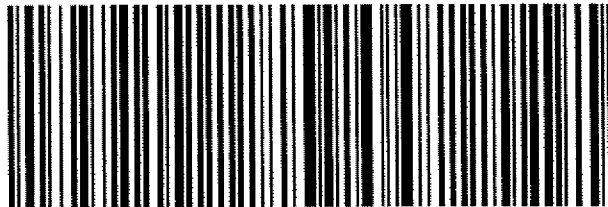
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