

**RESOLUTION NO. 9383**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILPITAS DIRECTING  
STAFF TO FLY COMMEMORATIVE FLAGS AT CESAR CHAVEZ PLAZA FOR CITY-  
SPONSORED EVENTS**

**WHEREAS**, on December 18, 2018, the City Council of the City of Milpitas ("City Council") adopted Ordinance No. 260.2 relating to the display of flags on City-owned property; and

**WHEREAS**, on March 19, 2024, the City Council adopted Resolution No. 9309 relating to the display of flags on City-owned property; and

**WHEREAS**, the City Council intends this resolution to supersede Resolution No. 9309 relating to the display of flags on City-owned property; and

**WHEREAS**, pursuant to Milpitas Municipal Code Section I-600-2.30(3), the City Council may, by resolution, direct City staff to display Commemorative Flags as an expression of the City's official sentiments by any of the following means: (i) display in lieu of the MIA/POW flag on one of the four City Hall Display Flag Poles located at the rear of City Hall adjacent to the pond, (ii) display in lieu of the flag of the State of California on one of the three flag poles located at Cesar Chavez Plaza, or (iii) display through ground level ceremonies at any of the following locations at the Civic Center complex or the City of Milpitas Community Center:

- (1) City Hall Rotunda
- (2) Area adjacent to pond at City Hall
- (3) Cesar Chavez Plaza
- (4) City Council Chambers; and

**WHEREAS**, the City of Milpitas sponsors commemorative events, ceremonies, and holidays annually in Cesar Chavez Plaza; and

**WHEREAS**, the City intends to fly certain Commemorative Flags in Cesar Chavez Plaza as part of the sponsored events, ceremonies, and holidays, for certain periods; and

**WHEREAS**, in accordance with the Milpitas Municipal Code, the Commemorative Flags shall be displayed for a period that is reasonable or customary for the subject that is to be commemorated, but no longer than 30 days; and

**WHEREAS**, the periods of Commemorative Flags as approved by this Resolution may occur concurrently; and

**WHEREAS**, during such instance, multiple Commemorative Flags, but no more than three flags, may be raised on a flagpole from the top to the bottom in chronological descending order for the period approved in this Resolution.

**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. Pursuant to Milpitas Municipal Code Section I-600-2.30(3), the City Council hereby directs staff to fly the

following Commemorative Flags in lieu of the flag of the State of California at Cesar Chavez Plaza on the following dates and date ranges, after which staff shall resume flying the flag of the State of California unless the City Council directs otherwise by further resolution:

- Black History Month - February 1 - 28
  - Women's History Month – March 1 – March 31
  - Cesar Chavez Birthday - March 31
  - Black April - April 1 – 30 (half-staff)
  - Asian and Pacific Islander Heritage Month - May 1 - 31
  - Public Safety Appreciation Day - May 15
  - Eritrea Independence Day - May 24
  - LGBTQ Pride Celebration - June 1 - 30
  - Philippine Independence Day - June 12
  - Juneteenth - June 19
  - India Independence Day – August 15
  - Hispanic Heritage - September 15 - October 15
  - Mexican Independence Day - September 16
  - Filipino American History Month - October 1 - October 31
  - Native American Heritage and Culture Month- November 1 - 30
3. During any instance where multiple Commemorative Flags are directed to be flown during the same time period, no more than three flags may be raised on a flagpole from the top to the bottom in chronological descending order for the period approved in this Resolution.
4. The City Manager or their designee may approve an additional or alternate date to fly an approved flag, if that date is requested by organizers of events for a previously City Council approved flag raising and does not conflict with another Council approved flag raising. In accordance with the Municipal Code, a Commemorative Flag will be displayed for a period that is reasonable or customary for the subject that is to be commemorated, but no longer than 30 continuous days.

PASSED AND ADOPTED this 21<sup>st</sup> day of January, 2025, by the following vote:

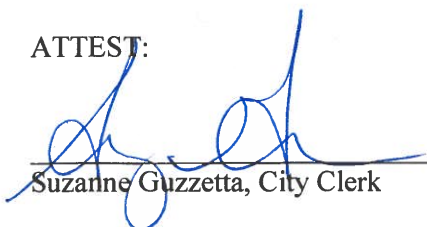
AYES: (5) Councilmembers Chua, Lam, Lien, Vice Mayor Barbadillo, Mayor Montano

NOES: (0) None

ABSENT: (0) None

ABSTAIN: (0) None

ATTEST:

  
Suzanne Guzzetta, City Clerk

APPROVED:

  
Carmen Montano, Mayor

APPROVED AS TO FORM:

  
Christopher Creech, Acting City Attorney