



## MEMORANDUM

**TO:** City Council

**FROM:** Matthew Downing, City Manager

**BY:** Isaac Rosen, City Attorney

**SUBJECT:** Review and Adoption of a Resolution Authorizing the Recurring Annual Display of Specified Commemorative Flags at City Hall and Heritage Square Park

**DATE:** April 23, 2024

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### **SUMMARY OF ACTION:**

Adoption of this Resolution by 4/5 of the City Council will authorize the City, in accordance with the Flag Policy adopted in May of 2021, to fly certain specified flags on an annually recurring basis at City Hall and Heritage Square Park for a period not to exceed thirty (30) days. The flags considered as part of this Resolution include: the Military Service commemorative flag in the month of May; the Pride commemorative flag in the month of June; and a commemorative flag for Juneteenth (the Sunday-Saturday of the week during which June 19th of each year falls).

### **IMPACT ON FINANCIAL AND PERSONNEL RESOURCES:**

There is minimal financial impact and impact on personnel resources related to authorizing the display of the specified commemorative flags on a recurring annual basis.

### **RECOMMENDATION:**

Adopt a Resolution authorizing the City to display the commemorative flags specified therein on a recurring annual basis, in accordance with all policies and procedures established in the City's adopted Flag Policy.

### **BACKGROUND:**

In May 2021, the City Council adopted a policy governing the display of flags at City Hall and other City facilities. In accordance with this policy and with applicable law, staff is presenting this Resolution to authorize the City to fly, on an annually recurring basis, certain specified flags as requested by City Council members, which include:

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#### A. Commemorative Flag Marking Military Appreciation Month (May)

In 1999, the United States Senate passed a resolution designating May as National Military Appreciation Month. In connection with this remembrance, the City desires to approve the flying of the “Service Flag” during the month of May each year.

#### B. Commemorative Flag Marking LGBTQ+ Pride Month (June)

According to the Library of Congress, Lesbian, Gay, Bisexual and Transgender Pride Month (“LGBTQ+ Pride Month”) is currently celebrated each year in the month of June to honor the 1969 Stonewall riots in New York City. In connection with this remembrance, the City desires to approve the flying of the “Pride Flag” during the month of June each year.

#### C. Commemorative Flag Marking Juneteenth

Juneteenth is a federal holiday that celebrates the end of slavery in the United States. The date of June 19<sup>th</sup> was first recognized as a federal holiday in 2021. In connection with this remembrance, the City desires to approve the flying of the “Juneteenth Flag” during the Sunday-Saturday of the week during which June 19<sup>th</sup> falls each year.

### **ANALYSIS OF ISSUES:**

The City’s adopted Flag Policy expressly authorizes the flying of a “commemorative flag” at City Hall and Heritage Square Park upon a request by one City Council member to place the discussion of such authorization on a City Council meeting agenda, and at least one other City Council member agrees with the request. This Resolution is brought in accordance with this policy and requires a 4/5 majority of City Council members to agree to adopt the resolution, which would authorize flying the specified commemorative flags on an annual, recurring basis. While this was not a specific request of the City Council, staff have seen this practice in other communities and view it as an opportunity for the City Council to consider. Each such flag shall be approved to be displayed for a period of time that is “reasonable or customary” for the subject commemorated, but no longer than thirty (30) consecutive days each year. The term “commemorative flag” is defined by the Flag Policy to mean a flag that identifies with a specific historical event, cause, nation or group of people that the City Council chooses to honor or commemorate consistent with the City’s mission and priorities. In accordance with federal law, the following are not allowed as commemorative flags and may not be considered for approval by the City Council:

1. Flags of a particular religious movement or creed, to avoid the appearance of City government endorsing religion or a particular religious movement or creed;
2. Flags of a political party, to avoid the appearance of City government endorsing a political party; and
3. Flags advocating a certain outcome in an election.

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Should this Resolution be adopted, the City will fly all approved commemorative flags annually in accordance with the rules and procedures set forth in the Flag Policy.

**ALTERNATIVES:**

The following alternatives are provided for the City Council's consideration:

1. Adopt the Resolution authorizing the recurring annual display of specified commemorative flags at City Hall and Heritage Square Park;
2. Do not adopt the Resolution; or
3. Provide alternative direction to staff.

**ADVANTAGES:**

Authorizing the display of the specified commemorative flags will commemorate important social and historical causes and demonstrate the City's commitment to diversity and inclusion.

**DISADVANTAGES:**

No disadvantages are identified.

**ENVIRONMENTAL REVIEW:**

The adoption of this Resolution is exempt from CEQA pursuant to CEQA Guidelines Section 15061(b)(3), which is the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment and CEQA does not apply where it can be seen with certainty that there is no possibility that the activity may have a significant effect on the environment.

**PUBLIC NOTIFICATION AND COMMENTS:**

The Agenda was posted at City Hall and on the City's website in accordance with Government Code Section 54954.2.

**ATTACHMENTS:**

1. Proposed Resolution
2. Pictures of Commemorative Flags
3. City of Arroyo Grande Flag Policy