



MEMORANDUM

TO: City Council

FROM: Whitney McDonald, City Manager
Bill Robeson, Assistant City Manager/Public Works Director

BY: Sarah Lansburgh, Deputy City Clerk

SUBJECT: Consideration of Authorizing the Display of the Juneteenth Flag
During the week of June 17-24, 2022 at City Hall

DATE: May 24, 2022

SUMMARY OF ACTION:

Authorization of the display of the Juneteenth Flag at City Hall for the week beginning on June 17 through June 24, 2022 in recognition of the Juneteenth National Independence Day.

IMPACT ON FINANCIAL AND PERSONNEL RESOURCES:

There is no financial impact and minimal impact on personnel resources related to authorizing the display of the Juneteenth Flag.

RECOMMENDATION:

Authorize the display of the Juneteenth Flag for the week beginning on June 17 through June 24, 2022, at City Hall.

BACKGROUND:

At a City Council meeting in early 2021, Council Member Barneich requested that City Council consider displaying the commemorative LGBTQ+ Pride Flag at City Hall. At the time, the City did not have a Council-adopted policy regarding the display of such flags or the display of commemorative flags. In response, City staff prepared a Resolution (Attachment 1) to adopt a City Flag Display Policy relating to the display of flags for Council's consideration at the May 25, 2021 City Council meeting. Following discussion, the Policy was modified and adopted by the City Council.

The adopted Flag Display Policy outlines the procedures and standards for the display of flags at City facilities, including the display of commemorative flags at City Hall and Heritage Square Park. As set forth in the policy, commemorative flags may only be displayed after being authorized by 4/5 members of the City Council and as an expression

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of the City's official sentiments. Upon City Council authorization of the display of a commemorative flag, the City will display it at City Hall and/or Heritage Square Park during the designated period.

Juneteenth marks the day when federal troops arrived in Galveston, Texas in 1865 to take control of the state and ensure that all enslaved people be freed. Juneteenth honors the end of slavery in the United States and is considered the longest-running African American holiday. Juneteenth became a state holiday in Texas in 1980, and a number of other states subsequently followed suit. On June 17, 2021, President Joe Biden signed the Juneteenth National Independence Day Act into law. Juneteenth is observed on June 19th each year, commemorating the emancipation of the last enslaved African Americans in Texas on June 19, 1865.

ANALYSIS OF ISSUES:

City Hall has two flag poles and the City of Arroyo Grande has historically displayed the United States Flag, the California State Flag, and the Arroyo Grande City Flag. The United States Flag is also displayed at other City facilities such as the Recreation Services Building at Elm Street Park and at the Corporate Yard. The Police Station also has three flag poles that can be used to display flags.

The City's flagpoles are not intended to serve as a forum for free expression by the public. Rather, the City's flagpoles are to be used exclusively by the City, where the City Council may display a commemorative flag as a form of government expression. The City will not display a commemorative flag based on a request from a third party, nor will the City use its flagpoles to sponsor the expression of a third party. Instead, the policy states that such flag, as an expression of the City's official sentiments, must be requested by a member of the City Council itself.

The Government Speech Doctrine, defined by the United States Supreme Court, establishes that a government organization, such as the City of Arroyo Grande, may advance its own expression without requiring viewpoint neutrality when the government itself is the speaker, so long as its expression does not show religious preference or encourage a certain vote in an election. Therefore, the City could act, based on the Policy, to display a commemorative flag as a form of government expression, so long as the commemorative flag does not show religious preference or encourage a certain vote in an election. Consequently, if the City Council authorizes display of a commemorative flag, the display of the commemorative flag would be an exercise of government expression, where the City is the speaker (i.e., government speech).

Council Members Storton and Barneich have requested that the City Council consider authorizing the display of the commemorative Juneteenth Flag. The Juneteenth Flag uses

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the red, white, and blue of the United States flag to signify that enslaved people in the United States and their descendants all were and are Americans. The white star and its burst symbol on the flag represent newness and freedom. An image of the Juneteenth flag is provided below.



ALTERNATIVES:

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

1. Authorize the display of the Juneteenth Flag during the week of June 17-24, 2022 at City Hall.
2. Do not authorize display of the Juneteenth Flag; or
3. Provide other direction to staff.

ADVANTAGES:

The display of the Juneteenth Flag represents the commemoration of the end of slavery in America, and the signing of S. 475 establishing Juneteenth National Independence Day, June 19, as a legal public holiday. The display of the Juneteenth Flag demonstrates the City's commitment to diversity, equity, inclusivity, and justice.

DISADVANTAGES:

No disadvantages have been identified by displaying the Juneteenth Flag.

ENVIRONMENTAL REVIEW:

No environmental review is required for this item.

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.

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Attachments:

1. Resolution 5083 and City of Arroyo Grande Policy on Display of Flags