



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 LGBTQ+ Pride Flag During the Month of June 2022 at Heritage Square Park and at City Hall

DATE: May 24, 2022

SUMMARY OF ACTION:

Authorize the display of the LGBTQ+ Pride Flag ("Pride Flag") at Heritage Square Park and at City Hall during the month of June, 2022 in recognition of LGBTQ+ Pride Month.

IMPACT ON FINANCIAL AND PERSONNEL RESOURCES:

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

RECOMMENDATION:

Authorize the display of the Pride Flag during the month of June 2022 at Heritage Square Park and at City Hall.

BACKGROUND:

On September 22, 2020, the City Council adopted a set of Top 10 Priorities for Fiscal Year 2020-21 identifying the Council's major goals. One of the identified priorities was to "develop and implement a Council-adopted goal to promote diversity, equity, and inclusion." A similar goal and priority was included in the Fiscal Year 2021-22 Council Goals and Priorities adopted with the Fiscal Years 2021-23 Biennial Budget, which stated a goal to "adopt and implement Diversity, Equity, and Inclusion initiatives."

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,

Item 8.e.

City Council

Consideration of Authorizing the Display of the LGBTQ+ Pride Flag During the Month of June 2022 at Heritage Square Park and at City Hall

May 24, 2022

Page 2

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 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.

Also during the May 25, 2021 City Council meeting, the City Council authorized the display of the commemorative Pride Flag during the month of June 2021, at Heritage Square Park, where the first Five Cities Pride Celebration occurred in 2019, and at City Hall.

At the January 11, 2022 City Council meeting, the City Council adopted Resolution 5142 which adopted a Diversity, Equity, Inclusion, and Justice Policy" (Attachment 2), acknowledging the City's commitment to the principles of diversity, equity, inclusion, and justice and to implement measures to support greater inclusivity for the community.

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.

As stated in the adopted Flag Display Policy, 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,

Item 8.e.

City Council**Consideration of Authorizing the Display of the LGBTQ+ Pride Flag During the Month of June 2022 at Heritage Square Park and at City Hall****May 24, 2022****Page 3**

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 Pride Flag. 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. The Stonewall riots were a tipping point for the Gay Liberation Movement in the United States. In the United States, the last Sunday in June was initially celebrated as “Gay Pride Day,” although the actual day was flexible. Eventually, in major cities across the nation, “Gay Pride Day” grew to encompass a month-long series of events. Today, celebrations include pride parades, picnics, parties, workshops, symposia and concerts. Memorials are also held for those members of the community who have been lost to hate crimes or HIV/AIDS. The purpose of the commemorative month is to recognize the impact that lesbian, gay, bisexual, transgender, and queer individuals have had on history locally, nationally, and internationally. Display of the Pride Flag is consistent with the adopted Diversity, Equity, Inclusion, and Justice Policy and the Fiscal Year 2021-22 Council Goals and Priorities.

ALTERNATIVES:

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

1. Authorize the display of the Pride Flag at Heritage Square Park and at City Hall during the month of June, 2022.
2. Do not authorize display of the Pride Flag; or
3. Provide other direction to staff.

ADVANTAGES:

Authorizing display of the Pride Flag in recognition of LGBTQ+ Pride Month will commemorate an important social movement. The display of the Pride Flag also demonstrates the City’s commitment to diversity, equity, inclusion, and justice.

DISADVANTAGES:

No disadvantages have been identified.

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.

City Council

Consideration of Authorizing the Display of the LGBTQ+ Pride Flag During the Month of June 2022 at Heritage Square Park and at City Hall

May 24, 2022

Page 4

Attachments:

1. Resolution 5083 – Adopting a Policy on Display of Flags
2. Resolution 5142 - Adopting a Diversity, Equity, Inclusion and Justice Policy