



MEMORANDUM

TO: City Council

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

BY: Jessica Matson, Legislative & Information Services Director/City Clerk

SUBJECT: Consideration of Authorizing the Display of the Juneteenth Flag
During the week of June 16-23, 2023, at City Hall

DATE: June 13, 2023

SUMMARY OF ACTION:

Authorization of the display of the Juneteenth Flag at City Hall for the week beginning on June 16 through June 23, 2023, 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 16 through June 23, 2023, at City Hall.

BACKGROUND:

The City's adopted Flag Display Policy (Attachment 1) 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, at the request of a Council Member, after being authorized by a vote of 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.

Juneteenth marks the day when federal troops arrived in Galveston, Texas in 1865 to ensure that all enslaved people were 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

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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 Public Works 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).

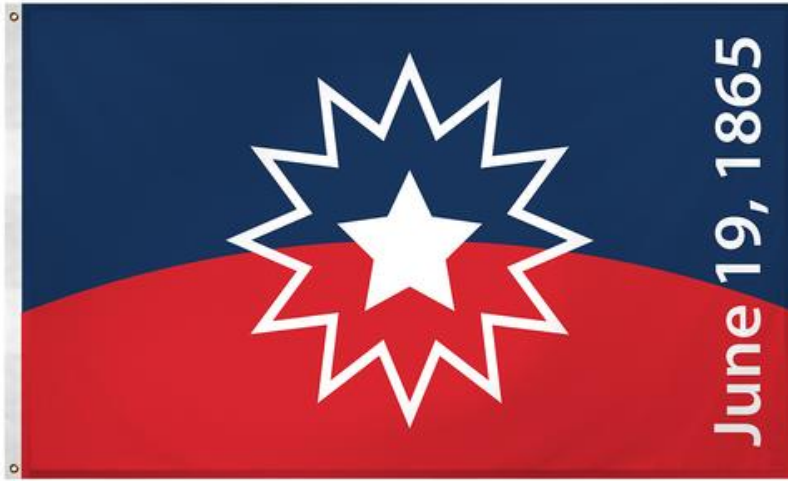
Mayor Pro Tem Barneich and Mayor Ray Russom have requested that the City Council consider authorizing the display of the commemorative Juneteenth Flag. The Juneteenth Flag uses the red, white, and blue of the United States flag to signify that enslaved people in the United States and their descendants 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.

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As the City is also displaying the Pride Flag during the month of June 2023 pursuant to unanimous Council direction provided at the regular City Council meeting held on May 23, 2023, it is recommended that the Juneteenth Flag be added to the first of two existing City Hall flag poles and under (at least a 6 inch separation) the existing U.S. Flag, while the Pride Flag is currently being flown on the second existing pole under the State and City of Arroyo Grande Flags. This follows the U.S. Department of Veterans Affairs guidelines for displaying the U.S. Flag with other flags, that requires the U.S. Flag appear on the viewer's left and/or at the highest point in a pole display.

ALTERNATIVES:

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

1. Authorize the display of the Juneteenth Flag during the week of June 16-23, 2023, 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.

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