RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ARROYO GRANDE, CALIFORNIA AUTHORIZING THE RECURRING ANNUAL DISPLAY OF SPECIFIED COMMEMORATIVE FLAGS AT CITY HALL AND HERITAGE SQUARE PARK

WHEREAS, the City Council desires to adopt a resolution, in accordance with its existing Policy on the Display of Flags ("Flag Policy"), to authorize specific, qualifying "commemorative flags" to be flown on a recurring annual basis; and

WHEREAS, the City Council desires to reflect the dignity of flags flown on City flagpoles or displayed in front of City facilities, as well as the role of City Hall as an inclusive gathering location and local symbol of government and democracy; and

WHEREAS, the City's flagpoles are not intended to serve as a forum for free expression by the public, but rather for the display of federal, state, and City flags, and any commemorative flag as may be authorized by the City Council as an expression of the City's official sentiments; and

WHEREAS, 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; and

WHEREAS, the Supreme Court expressly held in the 2022 case *Shurtleff v. City of Boston* that the First Amendment's "Free Speech Clause does not prevent the government from declining to express a view," and "[w]hen the government wishes to state an opinion, to speak for the community, to formulate policies, or to implement programs, it naturally chooses what to say and what not to say"; and

WHEREAS, in accordance with applicable law and City's Flag Policy, the City may take action to approve the flying of specific, qualifying commemorative flags as a form of government (rather than private) speech; and

WHEREAS, pursuant to the City's Flag Policy, four (4) Council Members must vote in favor of displaying the requested commemorative flag(s) for such action to be successful, rather than a simple majority as is required for most Council actions; and

WHEREAS, the City desires to approve the annual flying of these specified flags to commemorate important social and historical causes, and demonstrate the City's commitment to diversity and inclusion.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ARROYO GRANDE DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1. The foregoing recitals are true and correct and are incorporated herein by this reference.

SECTION 2. The City of Arroyo Grande does hereby resolve that the following commemorative flags shall be flown as specified (images of which are set forth within the Exhibit A), in accordance with the requirements and procedures set forth in the City's Flag Display Policy:

- The Service Flag shall be flown during the month of May each year to commemorate National Military Appreciation Month.
- The Pride Flag shall be flown during the month of June each year to commemorate LGBTQ+ Pride Month.
- The Juneteenth Flag shall be flown during the Sunday-Saturday of the week during which June 19th falls each year.

SECTION 3. The City Manager or their designee is responsible for ensuring the proper implementation of the Flag Display Policy at all City facilities.

SECTION 4. This resolution shall be effective immediately.

On motion by Council Member _____, seconded by Council Member _____, and by the following roll call vote, to wit:

AYES:
NOES:
ABSENT:

The foregoing Resolution was adopted this 23rd day of April, 2024.

_____

CAREN RAY RUSSOM, MAYOR

ATTEST:

_____

JESSICA MATSON, CITY CLERK

APPROVED AS TO CONTENT:

_____

MATTHEW DOWNING, CITY MANAGER

APPROVED AS TO FORM:

_____

ISAAC ROSEN, CITY ATTORNEY

EXHIBIT A
PICTURES OF COMMEMORATIVE FLAGS

A. Commemorative Flag Marking Military Appreciation Month

B. Commemorative Flag Marking LGBTQ+ Pride Month

C. Commemorative Flag Marking Juneteenth