

RESOLUTION NO. 5083

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
ARROYO GRANDE ADOPTING A FLAG DISPLAY
POLICY**

WHEREAS, the City of Arroyo Grande currently displays the United States Flag and the State of California Flag at the Arroyo Grande City Hall; and

WHEREAS, the City of Arroyo Grande does not have a policy regarding the display of flags; and

WHEREAS, the City Council desires to establish a policy that provides guidance and standards for the outdoor display of flags at City facilities, including commemorative flags other than the United States flag, the State of California flag, and City flags; and

WHEREAS, in adopting this Policy, the City Council desires to reflect the dignity of the flags flown at City-owned or City-maintained facilities, as well as the role of the Arroyo Grande City Hall as an inclusive gathering location and local symbol of government and democracy; and

WHEREAS, in adopting this flag display policy, the City Council declares that flags and flagpoles owned or maintained by the City of Arroyo Grande are not intended to serve as a forum for free expression by the public, but rather as a nonpublic forum for the display of the United States flag, the State of California flag, City flags, and any commemorative flag authorized by the City Council as an expression of the City Council's official sentiments (government speech); and

WHEREAS, in adopting this Policy, the City Council declares that the following flags shall not be considered commemorative flags that can be displayed or flown on City owned or maintained flagpoles: 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.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Arroyo Grande as follows:

1. The recitals set forth herein are true, correct and incorporated herein by this reference.
2. The City of Arroyo Grande Policy on Display of Flags, attached hereto as Exhibit A and incorporated herein by reference, is hereby adopted.
3. This Resolution shall be effective immediately upon its adoption.

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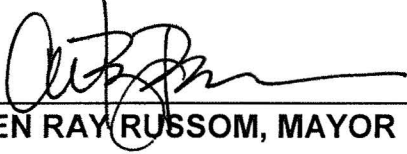
On motion by Council Member Barneich, seconded by Council Member George, and on the following roll call vote, to wit:

AYES: Council Members Barneich, George, Storton, Paulding, and Mayor Ray Russom

NOES: None

ABSENT: None

The foregoing Resolution was passed and adopted this 25th day of May, 2021.




CAREN RAY RUSSOM, MAYOR

ATTEST:


JESSICA MATSON, CITY CLERK

APPROVED AS TO CONTENT:


WHITNEY MCDONALD, CITY MANAGER

APPROVED AS TO FORM:


TIMOTHY J. CARMEL, CITY ATTORNEY

CITY OF ARROYO GRANDE POLICY ON DISPLAY OF FLAGS

I. Purpose

- A. The Arroyo Grande City Council desires to establish clear guidelines regarding:
 - 1. The outdoor display of the United States Flag, the California State Flag, and the City of Arroyo Grande Flag at City facilities or City-owned or City-maintained flagpoles; and
 - 2. The outdoor display of commemorative flags at the Arroyo Grande City Hall and Heritage Square Park.
- B. In adopting this Policy, the City Council desires to reflect the dignity of the flags flown on flagpoles or displayed at City-owned or City-maintained facilities, as well as the role of the Arroyo Grande City Hall as an inclusive gathering location and local symbol of government and democracy.
- C. In adopting this Policy, the City Council declares that flagpoles owned or maintained by the City of Arroyo Grande are not intended to serve as a forum for free expression by the public, but rather as a non-public forum for the display of the United States, State of California, City of Arroyo Grande, and any commemorative flag authorized by the City Council as an expression of the City Council's official sentiments (government speech).

II. Policy

- A. Conformance with Federal and State Regulations. Flags shall be displayed in accordance with Federal and State statutes and regulations, including, but not limited to, United States Code, Title 4, Chapter 1 and California Government Code section 430 et seq., and this Policy.
 - 1. Per California Government Code section 431(a), the Flag of the United States and the Flag of the State of California shall be prominently displayed upon or in front of public buildings of the City.
 - 2. Per California Government Code section 434.7, any Flag of the United States or Flag of California that the City purchases must be made in the United States.
 - 3. The United States Flag may only be flown at half-staff in accordance with the guidelines set forth at <https://www.usa.gov/flag>. The State of California Flag shall be flown at half-staff if the United States Flag is flown at half-staff or on order of the Governor.
- B. City Facilities other than the Arroyo Grande City Hall. At facilities that the City owns or maintains (other than facilities maintained by other governmental entities), there may be one flagpole where the United States Flag shall be flown and the State of California flag may be flown as described in Section II.

C. Arroyo Grande City Hall.

1. There shall be flagpoles at the Arroyo Grande City Hall to fly the following flags in the manner described below: Flag of the United States, Flag of the State of California, Flag of the City of Arroyo Grande, and any approved commemorative flag.
2. The City of Arroyo Grande Flag shall fly at half-staff if either the United States or California Flag is at half-staff. The Mayor may order the City of Arroyo Grande Flag to fly at half-staff at the death of a current or former City Council Member or current City staff member or a historically significant member of the community.
3. Commemorative Flag.
 - a. As expression of the City's official government speech, the City Council may authorize the display of a commemorative flag to fly at the Arroyo Grande City Hall and the Heritage Square Park flagpoles only.
 - b. The City Council shall only consider a request to display a commemorative flag if the request is made by a member of the Arroyo Grande City Council and another City Council member agrees to place the discussion to authorize such display on the agenda for a regular or special City Council meeting. Requests to fly a commemorative flag by members of the public will not be considered.
 - c. At a noticed and agendized City Council meeting, four (4) Council Members must agree to display the Commemorative Flag.
 - d. Commemorative flags shall be displayed for a period of time that is reasonable or customary for the subject that is to be commemorated, but no longer than thirty (30) consecutive days.
 - e. Commemorative flags must be either purchased by the City or temporarily donated for the City's use and must be clean, without holes and tears, and be made of an all-weather fabric. Commemorative flags must be the same size or smaller than the United States and California flags that are flown. The City will not be responsible for the condition of the commemorative flag once flown.
 - f. If any other flag is flown at half-staff, the commemorative flag will also be flown at half-staff.
 - g. A "commemorative flag" as defined in this Policy shall mean a flag that identifies with a specific historical event, cause, nation or group of people that the City Council choses to honor or commemorate consistent with the City's mission and priorities. The following are not allowed as Commemorative Flags and will not be considered by the City Council:

- i. Flags of a particular religious movement or creed to avoid the appearance of City government endorsing religion or a particular religious movement or creed;
- ii. Flags of a political party to avoid the appearance of City government endorsing a political party; and
- iii. Flags advocating a certain outcome in an election.

III. **Procedures**

- A. No other flag shall be placed above the United States Flag and no other flag shall be larger than the United States Flag. Other flags may be flown at the same height and in the same size, in accordance with this Policy. Where both the United State Flag and the California State Flags are flown, they shall be of the same size.
- B. Flags should be hoisted briskly and lowered ceremoniously. The United States Flag should be hoisted first and lowered last.
- C. Flags shall be displayed during operating hours on all days on which the City is open for business, and on national and State holidays. Flags may be displayed twenty-four (24) hours a day as long as they are illuminated during darkness.
- D. Flags shall not be displayed during inclement weather, unless all-weather flags are used and are illuminated during darkness.
- E. When flags are displayed on a single pole, the order from top to bottom shall be: the United States Flag, the California State Flag, and, if displayed, the City of Arroyo Grande Flag.
- F. When the flags are flown from adjacent flag poles, the United States Flag shall be flown at the highest point of honor, which is the furthest point to the left from the standpoint of the observer ("the flag's right").
- G. When a flag is displayed at half-staff, it shall first be hoisted to the peak for a moment and then lowered to half-staff position. Before being lowered at the end of the day or when taken down, the flags shall again be hoisted to the peak for a moment and then fully lowered.

OFFICIAL CERTIFICATION

I, JESSICA MATSON, City Clerk of the City of Arroyo Grande, County of San Luis Obispo, State of California, do hereby certify under penalty of perjury, that the attached Resolution No. 5083 was passed and adopted at a regular meeting of the City Council of the City of Arroyo Grande on the 25th day of May, 2021.

WITNESS my hand and the Seal of the City of Arroyo Grande affixed this 27th day of May, 2021.

A handwritten signature in cursive script, reading "Jessica Matson", written in dark ink. The signature is positioned above a horizontal line.

JESSICA MATSON, CITY CLERK