

Resolution No. 2023-XXX N.C.S.
of the City of Petaluma, California

**AUTHORIZING THE CITY MANAGER TO DISPLAY THE JUNETEENTH FLAG FOR THE
MONTH OF JUNE AT ALL CITY FACILITIES IN ACCORDANCE WITH THE CITY OF
PETALUMA’S DISPLAY OF FLAGS AT CITY FACILITIES POLICY**

WHEREAS, Juneteenth, also known as Freedom Day or Emancipation Day, is an important holiday celebrated on June 19th each year in the United States; and

WHEREAS, Juneteenth commemorates the emancipation of enslaved African Americans and serves as a symbol of freedom and equality; and

WHEREAS, Juneteenth holds historical significance as it marks the day in 1865 when Union General Gordon Granger arrived in Galveston, Texas, to announce the end of slavery, two and a half years after the Emancipation Proclamation was issued; and

WHEREAS, Juneteenth is a time to reflect on the struggles and resilience of African Americans throughout history and to honor their contributions to society; and

WHEREAS, the Juneteenth Flag, shown below, is a symbol for the Juneteenth holiday in the United States; and

WHEREAS, the Juneteenth Flag's colors and symbols embody the concepts of freedom and the abolition of slavery; and

WHEREAS, the date featured on the flag signifies an important historical event known as General Order No. 3, which was issued in Galveston, Texas in 1865; and

WHEREAS, on June 6, 2022, City Council adopted Resolution 2022-093 N.C.S. which adopted the City of Petaluma Display of Flags at City Facilities Policy (Petaluma Flag Policy); and

WHEREAS, the purpose the Petaluma Flag Policy:
“is to establish guidelines for the display of flags at City facilities. In adopting this Policy, the City Council declares that City flagpoles or other areas where flags may be displayed at City Facilities are not intended to be and shall not serve as a forum for free expression by the public. The display of flags at City Facilities is solely intended to serve as an expression of the City’s government speech and its official sentiments. This Policy applies to all City Facilities and employees, officers, and agents of the City”; and

WHEREAS, pursuant to the City’s Flag Policy, “Commemorative Flag displays shall constitute “government speech” (as that phrase is used in *People for the Ethical Treatment of Animals, Inc. v. Gittens* (2005) 414 F.3d 23) and the display of Commemorative Flags on City Facilities pursuant to this Policy shall solely serve as expression of the City’s official sentiments and shall not create or constitute a forum for public expression”; and

WHEREAS, the government can create designated and limited public forums for free speech on public property that is not a traditional public forum by opening the property for expressive activity by part or all of the public; however, such designated or limited public forums are not created by inaction, or by permitting limited discourse, but only by intentionally opening a nontraditional forum for public discourse; and

WHEREAS, the City Council has taken no action to intentionally open its flagpoles as a traditional public forum for free speech, or as a forum for public discourse; and

WHEREAS, this item is not a “project” within the meaning of Section 15378 of the California Environmental Quality Act (CEQA) Guidelines, because it is an administrative activity that has no potential for resulting in physical change in the environment, in that this resolution authorizes the displaying of flags at already existing flag poles at already City facilities; and

WHEREAS, if this action were a “project under CEQA, it would be exempt from CEQA pursuant to Section 15301 of the CEQA Guidelines, as placing flags on flagpoles is a minor alteration of existing public facilities, with negligible or no expansion of existing or former use.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Petaluma hereby:

1. Declares that the above recitals are true and correct are incorporated herein as findings of City Council.
2. Finds that this item is not a “project” within the meaning of Section 15378 of the California Environmental Quality Act (CEQA) Guidelines, because it is an administrative activity that has no potential for resulting in physical change in the environment, in that this resolution authorizes the displaying of flags at already existing flag poles at already City facilities. If this action were a “project under CEQA, it would be exempt from CEQA pursuant to Section 15301 of the CEQA Guidelines, as placing flags on flagpoles is a minor alteration of existing public facilities, with negligible or no expansion of existing or former use.
3. Authorizes pursuant to the City of Petaluma Display of Flags at City Facilities Policy the City Manager to fly the Juneteenth Flag, shown below, for the month of June at all City Facilities as government speech, and adds the Juneteenth Flag to the list of Preapproved Commemorative Flags listed on the City’s Flag Policy.



4. Declares that by displaying the Juneteenth Flag, the City’s message is to emphasize the flag’s importance as a visual representation of the Juneteenth holiday, honoring the end of slavery and celebrating the emancipation of enslaved African Americans in the United States. Additionally, that Juneteenth is a time to reflect on the struggles and resilience of African Americans throughout history and to honor their contributions to society. The Juneteenth Flag and holiday not only acknowledges the past but also serves as a reminder of the ongoing fight for equality and the importance of unity in creating a more inclusive and just society.

Under the power and authority conferred upon this Council by the Charter of said City.

REFERENCE:

I hereby certify the foregoing Resolution was introduced and adopted by the Council of the City of Petaluma at a Regular meeting on the 10th day of July 2023, by the following vote:

Approved as to
form:

City Attorney

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

City Clerk

Mayor