



DATE: July 10, 2023

TO: Honorable Mayor and Members of the City Council through City Manager

FROM: Dylan Brady, Assistant City Attorney
Peggy Flynn, City Manager

SUBJECT: Resolution Authorizing the City Manager to Display the Juneteenth Flag at City Facilities in Accordance with the City of Petaluma Display of Flags at City Facilities Policy

RECOMMENDATION

It is recommended that the City Council adopt the attached Resolution which authorizes the City Manager to display the Juneteenth Flag at City Facilities in accordance with the City of Petaluma Display of Flags at City Facilities Policy.

BACKGROUND

Juneteenth, also known as Freedom Day or Emancipation Day, is an important holiday celebrated on June 19th each year in the United States. It commemorates the emancipation of enslaved African Americans and serves as a symbol of freedom and equality. 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. It is a time to reflect on the struggles and resilience of African Americans throughout history and to honor their contributions to society.

On June 6, 2022, the Petaluma City Council adopted Resolution No. 2022-093 N.C.S. which adopted the City of Petaluma Display of Flags at City Facilities Policy (Flag Policy). 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.”

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). 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." For the City to fly a new Commemorative Flag, requires City Council to adopt a resolution that states:

- A description of the Commemorative Flag;
- The dates that the Commemorative Flag will be flown; and
- The City message intended to be communicated by display of the Commemorative Flag

The Flag Policy also explicitly permits within the resolution to add the Commemorative Flag to the list of "Preapproved Commemorative Flags that the Flag Policy already lists. Currently, the preapproved flags are the Pride Flag and the POW/MIA flag.

The attached Resolution includes all the Flag Policy's requirements and adds the Juneteenth Flag to the list of Preapproved Commemorative Flags which allows the City Manager to display the Juneteenth Flag for the month of June at all City flagpoles.

DISCUSSION

The Juneteenth Flag, shown below, is a symbol for the Juneteenth holiday in the United States. The flag was created in 1997 by activist Ben Haith, the original version of the flag was publicly showcased that same year. However, the current version of the flag was first hoisted in the year 2000.



The Juneteenth Flag's colors and symbols embody the concepts of freedom and the abolition of slavery. Each element on the flag carries significant meaning. 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.

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.

The attached resolution allows the City to fly the Juneteenth Flag at all City Facilities for the month of June and adds the Juneteenth Flag to the list of Preapproved Commemorative Flags listed on the City's Flag Policy. This allows the City Manager to fly the Juneteenth Flag in subsequent years without a resolution from Council. The display of the Juneteenth Flag is considered government speech.

PUBLIC OUTREACH

This item was noticed in compliance with the California Brown Act.

COUNCIL GOAL ALIGNMENT

The adoption of a resolution adopting a City flag policy authorizing display of the Juneteenth Flag for the month of June at City facilities as government speech supports the City's goal for diversity, equity, and inclusion. Additionally, the adoption of this Resolution helps achieves City Council Goals and Priorities Workplan item # 138: Continue to maintain and upgrade City facilities that provide places and spaces for community dialogue..."

CLIMATE ACTION/SUSTAINABILITY EFFORTS

There is no climate action or sustainability impacts associated with this item.

ENVIRONMENTAL REVIEW

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.

FINANCIAL IMPACTS

There are no direct financial impacts from enactment of the proposed resolution.

ALTERNATIVES

If this resolution is not adopted and the City displays the Juneteenth in violation of its Policy private groups may request that the City display their flags at City facilities, and First Amendment challenges may result if the City refuses to fly flags based on the contents of the flags or the viewpoints expressed by the flag.

ATTACHMENTS

1. Resolution