



Agenda Report

Fullerton City Council

MEETING DATE: MARCH 19, 2019

TO: CITY COUNCIL / SUCCESSOR AGENCY

SUBMITTED BY: KENNETH A. DOMER, CITY MANAGER

REQUESTED BY: AHMAD ZAHRA, COUNCIL MEMBER
JAN FLORY, COUNCIL MEMBER

SUBJECT: ADOPTION OF A CITY COUNCIL FLAG POLICY AND A
RESOLUTION AUTHORIZING THE ANNUAL DISPLAY OF
THE PRIDE FLAG AT CITY HALL

SUMMARY

Consideration of a City Council policy for the display of flags at City Hall and as requested at the February 19, 2019 City Council meeting, by Council Member Ahmad Zahra, seconded by Council Member Jan Flory, a resolution authorizing the annual display of the Pride Flag at City Hall to commemorate Harvey Milk Day and Lesbian, Gay, Bisexual and Transgender Pride Month.

RECOMMENDATION

Adopt Resolution No. 2019-XX.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, ESTABLISHING A POLICY FOR THE DISPLAY OF FLAGS AT CITY HALL

Adopt Resolution No. 2019-XX.

RESOLUTION NO. 2019-XX - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, AUTHORIZING THE ANNUAL DISPLAY OF THE PRIDE FLAG AT CITY HALL TO COMMEMORATE HARVEY MILK DAY AND LESBIAN, GAY, BISEXUAL, AND TRANSGENDER PRIDE MONTH

PRIORITY POLICY STATEMENT

- Fiscal and Organizational Stability

FISCAL IMPACT

No fiscal impact.

BACKGROUND

At the February 19, 2019 City Council meeting, Council Member Ahmad Zahra, seconded by Council Member Jan Flory, requested that an item be placed on a future City Council agenda to consider adopting a resolution authorizing the annual display of the Pride Flag at City Hall from May 22 to June 30, to commemorate Harvey Milk Day and Lesbian, Gay, Bisexual and Transgender Pride Month.

According to the Library of Congress, Lesbian, Gay, Bisexual and Transgender Pride Month (LGBT Pride Month) is currently celebrated each year in the month of June to honor the 1969 Stonewall riots in Manhattan. The Stonewall riots were a tipping point for the Gay Liberation Movement in the United States. In the United States the last Sunday in June was initially celebrated as "Gay Pride Day," but the actual day was flexible. In major cities across the nation the "day" soon grew to encompass a month-long series of events. Today, celebrations include pride parades, picnics, parties, workshops, symposia and concerts and LGBT Pride Month events attract millions of participants around the world. Memorials are held during this month for those members of the community who have been lost to hate crimes or HIV / AIDS. The purpose of the commemorative month is to recognize the impact that lesbian, gay, bisexual and transgender individuals have had on history locally, nationally and internationally.

LGBT History Month is also celebrated with annual month-long observances of lesbian, gay, bisexual and transgender history, along with the history of the gay rights and related civil rights movements. National Coming Out Day (October 11), as well as the first "March on Washington" in 1979, are commemorated in the LGBT community during LGBT History Month.

DISCUSSION

Resolution No. 2019-XX establishes a policy for the display of commemorative flags at City Hall. Historically, the City of Fullerton has displayed flags in conformance with Federal and State statutes which outline standards for the display of the Flag of the United States, the California State Flag, the City of Fullerton Flag and the POW-MIA flag. The proposed policy establishes the order of the display and includes the requirement that, when a commemorative flag is added, it will be displayed in a position of honor following the aforementioned flags unless otherwise directed by the City Council and to the extent such protocol does not conflict with Federal or State law.

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.

The Government Speech Doctrine, defined by the United States Supreme Court, establishes that a government organization, such as the City of Fullerton, 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, by adoption of a resolution, 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 adopts a resolution to display a commemorative flag, the display of the commemorative flag would be an exercise of government expression, where the City is the speaker.

Attachments

- Attachment 1 – Draft Resolution 2019-XX (Flag Policy)
- Attachment 2 – Draft Resolution 2019-XX (Authorization to Display the Pride Flag)