RESOLUTION NO. 19-8705

A RESOLUTION OF THE CITY OF SANTA CLARA, CALIFORNIA AUTHORIZING THE DISPLAY OF THE LESBIAN, GAY, BISEXUAL, TRANSGENDER, AND QUEER (LGBTQ) PRIDE FLAG DURING THE MONTH OF JUNE 2019, AND ANNUALLY THEREAFTER IN THE MONTH OF JUNE

BE IT RESOLVED BY THE CITY OF SANTA CLARA AS FOLLOWS:

WHEREAS, on November 13, 2012, the City of Santa Clara adopted Ordinance No. 1899 to protect and safeguard the right and opportunity of all persons to be free from all forms of arbitrary discrimination, including discrimination based on age, race, color, creed, religion, national origin, ancestry, disability, marital status, sex, gender, gender identity, and sexual orientation;

WHEREAS, on August 28, 2018, the City Council of the City of Santa Clara adopted Resolution No. 18-8597 approving the Council Policy on the Display of Flags (CP 048) which established guidelines for the exhibition of the United States of America flag, California State flag, City of Santa Clara flag, and the display of ceremonial flags at City facilities and at City Hall;

WHEREAS, the display of ceremonial flags that commemorate special observances is permitted under the Council Policy on the Display of Flags, attached hereto as Attachment 1, when approved by the City Council by adoption of a resolution prior to the observance and shall be displayed for a period of time no longer than 30 continuous days;

WHEREAS, the Rainbow flag, also referred to as the LGBTQ Pride Flag, was created in 1978 to represent the gay community, and has become an internationally recognized symbol for Lesbian, Gay, Bisexual, Transgender, and Queer (LGBTQ) rights and pride;

WHEREAS, LGBTQ Pride Month is celebrated annually in the month of June to honor the Stonewall Riots in New York City on June 28, 1969, which was a historic turning point that sparked the Lesbian, Gay, Bisexual, and Transgender (LGBT) civil rights movement; and,

WHEREAS, the display of LGBTQ Pride Flag during the month of June will heighten awareness of LGBTQ Pride Month, as well as will celebrate diversity, equity, social justice, and inclusion.

NOW THEREFORE, BE IT FURTHER RESOLVED BY THE CITY OF SANTA CLARA AS FOLLOWS:

1. That LGBTQ Rainbow Flag will be flown during the month of June 2019 and annually thereafter during the month of June for a maximum of 30 days at various City facilities as determined by the City Manager and at City Hall, unless and until this Resolution is rescinded;

2. Effective date. This resolution shall become effective immediately.

I HEREBY CERTIFY THE FOREGOING TO BE A TRUE COPY OF A RESOLUTION PASSED AND ADOPTED BY THE CITY OF SANTA CLARA, CALIFORNIA, AT A REGULAR MEETING THEREOF HELD ON THE 21ST DAY OF MAY, 2019, BY THE FOLLOWING VOTE:

AYES:	COUNCILORS:	Chahal, Davis, Hardy, Mahan, O'Neill, and Watanabe, and Mayor Gillmor
NOES:	COUNCILORS:	None
ABSENT:	COUNCILORS:	None
ABSTAINED:	COUNCILORS:	None

ATTEST: _____
NORA PIMENTEL, MMC
ASSISTANT CITY CLERK
CITY OF SANTA CLARA

Attachments incorporated by reference:
1. Council Policy on the Display of Flags

DISPLAY OF FLAGS POLICY

PURPOSE

To establish clear guidelines for: 1) the exhibition of the United States of America flag, the California State flag, the City of Santa Clara flag at City facilities and at City Hall, and 2) the display of ceremonial flags.

POLICY

It is the policy of the City of Santa Clara that flags should be displayed in conformance with Federal and State laws and policies, as stated in the Federal "The Flag" publication of the Congress, Title 4, Chapter, 1 of the United States Code, and the State of California Government Code Sections 430 and 437.

The City's flagpoles are not intended to serve as a forum for free expression by the public. The City will not display a ceremonial flag based on a request from a third party, nor will the City use its flagpoles to sponsor the expression of a third party.

PROCEDURE

Federal, State, and City Flags

1. Outdoor flags will be flown at City facilities in the following order of precedence: first, the United States of America flag; second, the California State flag; third, the City of Santa Clara flag;
2. The City of Santa Clara flag will be flown wherever there are sufficient poles to do so. The City flag may be displayed on the same pole with, and underneath the State flag, whenever the pole is of sufficient height. The Federal, State, and City flags shall not be flown on a single pole of any height.
3. Indoor City flags shall be displayed at a minimum in the City Hall Council Chambers and in the Mayor's Office.

Ceremonial Flags

1. Flags of governments recognized by the United States may be displayed upon the request of the Mayor, a member of the City Council, or the City Manager. If flags of two or more nations are flown, the foreign flag(s) must be of equal size and displayed on staffs of equal height as the United States flag.
2. The flags of official Sister Cities of the City of Santa Clara may be displayed in conjunction with an event involving the Sister City or Cities, and shall follow the City flag in the order of precedence of Federal, State, and City flags.

DISPLAY OF FLAGS POLICY

3. Ceremonial flags of significance to the City's history may be displayed as designated by City Council by adoption of a resolution in conjunction with official actions or proclamations of the City Council.
4. Ceremonial flags that commemorate special observances must be approved by City Council by adoption of a resolution prior to the observance and 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 30 continuous days.
5. All ceremonial flags shall be no larger than three feet by five feet and no smaller than two feet by four feet.