

RESOLUTION R2019-

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NAPA, STATE OF CALIFORNIA, APPROVING THE DISPLAY OF FLAGS POLICY, THE OFFICIAL CITY FLAG, AND THE INSTALLATION OF NEW FLAGPOLES IN FRONT OF CITY HALL; AND APPROVING AN INCREASE IN APPROPRIATIONS OF \$22,100 TO THE NON-RECURRING GENERAL FIND BUDGET

WHEREAS, the City displays the Flag of the United States and the Flag of the State of California at City facilities in conformance with Federal and State law, including United States Code Title 4, Chapter 1, and California Government Code Sections 430 through 439; and

WHEREAS, the City has an existing City Flag (which is the official flag of the City of Napa in accordance with California Government Code Section 435) that is based on an outdated logo; and the City has an interest in updating the City Flag to be consistent with the current City Logo, which was adopted by the City Council on May 19, 2019, Resolution No. 2015-055 (see Exhibit "B"); and

WHEREAS, the City Council has expressed a desire to authorize the communication of City messages through the display of commemorative flags on flagpoles in front of City Hall, and the City intends these communications to be "government speech" (as that phrase is used in People for the Ethical Treatment of Animals, Inc. v. Gittens (2005) 414 F.3d 23); and

WHEREAS, a Display of Flags Policy (see Exhibit "A") has been drafted to document the policies by which the City will display flags on City facilities, including the policies by which City staff will implement Council's desire to display commemorative flags at City Hall; and

WHEREAS, in order to implement Council's desire to display commemorative flags at City Hall, staff has identified the need to erect new flagpoles at City Hall and the costs for these flagpoles were not anticipated in the FY2019/20 Adopted Budget; and

WHEREAS, the City Council has considered all information related to this matter, as presented at the public meetings of the City Council identified herein, including any supporting reports by City Staff, and any information provided during public meetings.

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

ATTACHMENT 1

1. The City Council hereby finds that the facts set forth in the recitals to this Resolution are true and correct, and establish the factual basis for the City Council's adoption of this Resolution.
2. The City Council hereby approves, the Display of Flags Policy, attached hereto as Exhibit "A," and incorporated herein by reference.
3. The City Council hereby approves the "City Flag" (as depicted on Exhibit "B," attached hereto and incorporated herein by reference) as the City's "official flag" in accordance with California Government Code Section 435.
4. The City Council hereby authorizes the City Manager to cause the installation of two new flagpoles in front of City Hall.
5. The City Council hereby approves an increase in appropriations to the Non-Recurring General Fund budget in the amount of \$22,100 (49320-57301)
6. In accordance with Resolution R2016-162, the City Council hereby: (a) authorizes the City Manager to designate the Display of Flags Policy, and the approval of the City Flag, as a City Council Policy Resolution; and (b) directs the City Clerk to organize and publish the resolution as part of the City Council Policy Resolutions.
7. This Resolution shall take effect immediately upon its adoption.

I HEREBY CERTIFY that the foregoing Resolution was duly adopted by the City Council of the City of Napa at a public meeting of said City Council held on the 17th day of September, 2019 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST: _____

Tiffany Carranza
City Clerk

Approved as to form:

Michael W. Barrett
City Attorney