

RESOLUTION NO. 2021-21

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF ST. AUGUSTINE, FLORIDA PROVIDING FOR CERTAIN FLAGS TO BE FLOWN ON CITY FLAG POLES, LIGHT POSTS, AND BUILDINGS ON SPECIFIC HOLIDAYS AND OCCASIONS.

WHEREAS, § 166.041, Florida Statutes, provides for procedures for the adoption of ordinances and resolutions by municipalities; and

WHEREAS, the City of St. Augustine desires to display certain flags on city owned flag poles, light posts, and buildings on specific holidays and occasions; and

WHEREAS, the City of St. Augustine is a municipal government, and may speak on its own behalf as a form of government speech, *Johanns v. Livestock Marketing Assoc.*, 544 U.S. 550 (2005); and

WHEREAS, the City of St. Augustine, as a government speaker, may select the messages it wishes to convey, *Walker v. Texas Div., Sons of Confederate Veterans, Inc.*, 576 U.S. 200 (2015); *Pleasant Grove City v. Summum*, 555 U.S. 460 (2009); and

WHEREAS, displaying certain flags on city owned flag poles, light posts, and buildings does not create a public forum, but rather is government speech on government property exclusively, *Sons of Confederate Veterans v. City of Lexington*, 722 F. 3rd 224 (4th Cir. 2013); and

WHEREAS, the City Commission for the City of St. Augustine finds that it is in the best interest of public health, safety, and general welfare that the following be adopted consistent with the requirements of Section 166.021(4), Florida Statutes.

THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF ST. AUGUSTINE, FLORIDA:

Section 1. The City may display the American flag on its light posts along Avenida Menendez and around the Plaza de la Constitución on the Fourth of July, Memorial Day, and Veteran's Day. The City Commission delegates to the City Manager the operational decision to expand the display of the American flag to other City light posts.

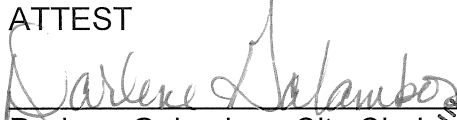
Section 2. The City may display the Spanish flag on its light posts along Avenida Menendez and around the Plaza de la Constitución on September 8th each year to commemorate the anniversary of the City's founding. The City Commission delegates to the

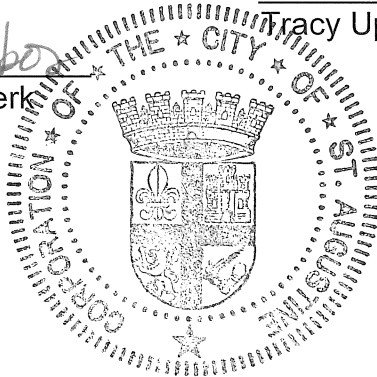
City Manager the operational decision to expand the display of the Spanish flag to other City light posts.


Section 3. The City may display the American flag, the State of Florida flag, and the City flag periodically or permanently on its flag poles in front of City Hall, in its chambers, and may also display these flags on flagpoles placed for that purpose on other city-owned and controlled properties. In addition, the Spanish flag may be displayed in celebration of the founding of the City of St. Augustine, and the Tree City USA flag may be displayed as part of the City's membership in Tree City USA and celebration of Arbor Day.

ADOPTED in Regular Session of the City Commission of the City of St. Augustine, Florida, this 12th day of April, 2021.

ATTEST


Darlene Galambos, City Clerk
(SEAL)




Tracy Upchurch, Mayor-Commissioner