



STAFF REPORT

AGENDA NO: 5a

MEETING DATE: June 9, 2021

To: Honorable Mayor and City Council

Date: June 9, 2021

**From: Lisa K. Goldman, City Manager – (650) 558-7243
Michael Guina, City Attorney – (650) 558-7204**

**Subject: Adoption of a Resolution Directing Staff to Fly the Pride Flag at City Hall
Throughout the Month of June 2021**

RECOMMENDATION

Staff recommends that the City Council adopt a resolution directing staff to fly the Pride Flag at City Hall throughout the month of June 2021.

BACKGROUND

The City of Burlingame has long recognized the month of June as Pride Month. Pride Month is an annual, month-long celebration of the LGBTQ+ community and is meant honor their resilience and determination in battling injustice, as well as to celebrate the community on both a global and personal level. Pride Month is celebrated during the month of June to commemorate the anniversary of the 1969 Stonewall Riots.

While the City has historically commemorated Pride Month in many ways, including as recently as this past Monday, June 7, 2021, via presentation of a proclamation, the City has never flown the Pride Flag on a City flagpole. During the May 17, 2021 City Council meeting, multiple Councilmembers inquired about the ability to fly the Pride Flag during June 2021. Following that meeting, staff was asked to prepare this report for Council's consideration and possible action at this special meeting.

DISCUSSION

Under the Government Speech doctrine, a City may advance its own speech without requiring viewpoint neutrality when the City itself is the speaker, so long as the speech does not communicate a religious preference or violate a separate constitutional provision. This protection exists so long as the City is exercising its own right of expression and is not relaying the message of a distinct third party.

Here, the City Council is considering using its own right of expression to raise the Pride Flag at City Hall. Since the proposed Resolution has been requested by the City Council, and will require a majority vote of the same, the resulting "speech" of the flag raising will fall into the protected category noted above.

FISCAL IMPACT

None

Exhibit:

- Proposed Resolution