



PRESS RELEASE

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ARCATA CITY COUNCIL MOVES TO UPHOLD MEASURE M

Arcata, CA, December 16, 2022 – Following the public special meeting to swear-in newly elected Arcata City Councilmembers, the City Council met in a closed session to discuss and ultimately uphold Measure M.

The Arcata City Council met in closed session to discuss anticipated litigation resulting from the passage of Measure M. Measure M was a voter ballot initiative that creates a policy and practice on City flag poles to fly the Earth flag above other flags on the pole. The measure was approved by Arcata voters on Tuesday, Nov. 8 by a vote of 3,051 to 2,781 votes.

The full language of what was approved by the voters is, “It shall be the official policy and practice of the City of Arcata to fly the Earth flag at the top of all city-owned flagpoles, above the flag of the United States of America and the California flag, and any other flags that the City may choose to display.”

Proponents of the measure reasoned that it is logical. The argument in favor of the measure read in part, “The Earth includes our nation, which includes our state. The order on the flagpole should reflect that reality. Flags are symbols. Accelerating climate change threatens all life on Earth, so we need to make the health of the Earth our first priority and take meaningful action to slow and reverse global warming. We can only have a healthy nation if we have a healthy Earth. Let’s remind ourselves of this focus by flying the Earth flag on top.”

Opponents of the measure contended that “...the proponents failed to disclose that implementation will be a violation of the State of California’s Display of Flag codes as noted in California Government Code sections 430 to 439 in our opinion... If this measure passes there is the potential for significant legal expenses if a citizen seeks redress and the city decides to challenge the state. General law cities are restricted from overruling state laws.”

The City Attorney’s Impartial Analysis outlined in part, “The City of Arcata is a ‘general law’ city, organized as provided in the California Government Code. As a general law city, Arcata is subject to all constraints imposed by California law. At least two California statutes govern the manner in which a general law city is required to fly multiple flags when a city chooses to fly them together on a single flagpole. These laws require a general law city to always fly the United States flag at the top of the flagpole with no other flag above it.”

To place the motion in context Mayor Schaefer further shared, “We wanted to honor the important ballot initiative process and the will of our voters. To that end, staff rearranged the flags this morning.

Simultaneously, we recognized that the vote had a very small margin. Many people, including the City Attorney's independent analysis, concluded that the measure was incongruent with State Code. Many residents have expressed their concerns over the potential cost to defend the measure from an outside lawsuit. To address these concerns the City Council has initiated a court action to efficiently review the ballot initiative and to assist the City in resolving the questions of its legality in relation to state flag code."

For more information, please visit the city webpage cityofarcata.org/1008/Measure-M-Information or contact the City Managers Office at (707) 822-5953.

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