

**RESOLUTION NO. 212-72**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ARCATA  
CALLING FOR A GENERAL MUNICIPAL ELECTION TO BE HELD  
NOVEMBER 8, 2022, REQUESTING THE HUMBOLDT COUNTY BOARD OF  
SUPERVISORS CONSOLIDATE THE ELECTION WITH THE STATEWIDE  
GENERAL ELECTION, ESTABLISHING POLICIES FOR THE ELECTION,  
AND REQUESTING THE HUMBOLDT COUNTY OFFICE OF ELECTIONS  
CONDUCT SAID ELECTION**

**WHEREAS**, the Elections Code of the State of California provides that the local governing body shall establish policies concerning the conduct of municipal elections; and

**WHEREAS**, the following policies are solely at the discretion of the City Council of the City of Arcata; and

**WHEREAS**, the City Council of the City of Arcata desires that the Humboldt County Office of Elections conduct the municipal election to be held on November 8, 2022, including the publishing of all election materials, the mailing of sample ballots, the hiring of election officers, and conducting the election.

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Arcata does order as follows:

1. That there is called and ordered to be held in the City of Arcata, California, a General Municipal Election on the 8<sup>th</sup> day of November, 2022.
2. That pursuant to the requirements of Elections Code section 10403, the Board of Supervisors of the County of Humboldt is hereby requested to consent to the consolidation of the General Municipal Election with the Statewide Direct General Election on the 8<sup>th</sup> day of November, 2022, for the purpose of electing two (2) City Councilmembers, each for a full term of four (4) years.
3. That the City Council hereby places the following measure before the voters of Arcata at the election to be held on the 8<sup>th</sup> day of November, 2022:

<p>Shall the City of Arcata continue to impose a three percent (3%) utility users tax on the ordinary use of utility services in the City, including gas, electric, water, wastewater, and communications services; and, continue to impose an electricity users tax at the rate of 45% on residential customers whose electricity usage exceeds 600% over the established Baseline Allowance with a sole exemption for households receiving an extended Medical Baseline from the electricity service supplier; automatically terminating in 14 years on November 30, 2036?</p>	Yes
	No

4. That the proposed complete text of the measure can be found in Resolution No. 212-67 of the City Council of the City of Arcata adopted May 18, 2022.
5. That the City Council hereby places the following qualified measure before the voters of Arcata at the election to be held on the 8<sup>th</sup> day of November, 2022:

<p>Shall the City of Arcata enact the proposed ordinance entitled: Initiative to Enact Ordinance Requiring That Earth Flag Is Flown at Top of Flagpole? If adopted, this initiative would require the City of Arcata to fly the “Earth flag” above all other flags, including the official flags of the United States of America and the State of California, at the top of all City-owned flagpoles.</p>	Yes
	No

6. That the proposed complete text of the measure is attached as Exhibit A.
7. That the Arcata City Council, or any member or members of the City Council authorized by the City Council, or any individual voter who is eligible to vote on the Utility Users Tax measure and the measure to Fly the Earth Flag at the Top of the Flagpole, or bona fide association of citizens, or any combination of voters and association, may file written arguments for or against said measures. No argument shall exceed 300 words in length. No more than five signatures shall appear with any argument submitted. Printed arguments submitted to voters shall be titled either “Argument in Favor of Measure \_\_\_\_\_” or “Argument against Measure \_\_\_\_\_.”
8. That the City Clerk of the City of Arcata shall transmit to the Humboldt County Office of Elections such measures, arguments for and against, rebuttal arguments and impartial analyses by the City Attorney to be included in the November 8, 2022, municipal election Sample Ballot and Voter Information Guide.

9. That the Humboldt County Office of Elections is hereby requested to perform and render all services associated with the conduct of the Arcata General Municipal Election to be held on November 8, 2022, in the manner prescribed in Elections Code section 10418, including the publishing of all election materials, the mailing of sample ballots, the hiring of election officers, and conducting of the election.
10. That the polls shall be open continuously from 7:00 a.m. to 8:00 p.m. on Election Day.
11. That polling places shall be established by the Humboldt County Office of Elections.
12. That the City Clerk of the City of Arcata shall distribute and receive all nomination papers from candidates for said election during the nomination period from July 18 to August 12, 2022. There shall be no filing fee for nomination papers. Candidates may submit statements to be submitted to voters concerning their qualifications for office in accordance with Section 13307 of the California Elections Code except that the City Council hereby determines that such statements shall not exceed 200 words in length. Further, in accordance with Section 13307(c), each candidate is required to pay in advance to the City a deposit of the full price for printing a single candidate's statement as a condition of having his or her statement included in the Sample Ballot and Voter Information Guide. The City Clerk will refund to the candidate any overpayment for the Candidate's Statement upon receipt of the final bill for conducting the election from the Humboldt County Office of Elections.
13. That, in the instance in which two or more persons receive an equal and the highest number of votes for the second seat on the City Council, the tie shall be resolved by special runoff election in accordance with section 15651(b) of the California Elections Code.
14. That the City Clerk is directed to establish the deadlines for receipt of all arguments for and against ballot measures, and all rebuttals.
15. That the City Attorney is directed to prepare impartial analyses of the ballot measures regarding the Utility Users Tax measure and the measure to Fly the Earth Flag at the Top of the Flagpole showing the effect of the measures on existing law and the operation of the measures.
16. That, in all particulars not recited in this resolution, the election shall be held and conducted as provided by law for holding municipal elections.

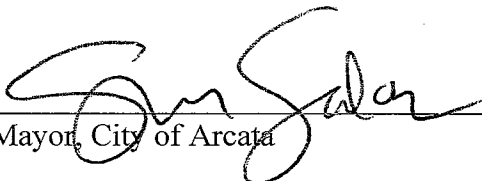
Exhibit A: Full text of measure.

**DATED:** June 22, 2022

**ATTEST:**

**APPROVED:**

  
\_\_\_\_\_  
City Clerk, City of Arcata

  
\_\_\_\_\_  
Mayor, City of Arcata

**CLERK'S CERTIFICATE**

I hereby certify that the foregoing is a true and correct copy of **Resolution No. 212-72** passed and adopted at a special meeting of the City Council of the City of Arcata, County of Humboldt, State of California, on the 22<sup>nd</sup> day of June, 2022, by the following vote:

**AYES: ATKINS-SALAZAR, SCHAEFER, MATTHEWS, WATSON**

**NOES: NONE**

**ABSENT: NONE**

**ABSTENTIONS: NONE**

  
\_\_\_\_\_  
City Clerk, City of Arcata

## Exhibit A

### Full Text of Measure \_\_\_\_\_

Notice is hereby given by the persons whose names appear hereon of their intention to circulate the petition with the City of Arcata for the purpose of enacting an ordinance which states that:

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.

A statement of the reasons of the proposed action as contemplated in the petition is as follows:

#### Findings

##### Logic and Symbolism

The Earth flag currently flies on the Arcata Plaza, but the plaza flagpole order is not logical. The American flag flies at the top, the California flag beneath it and the Earth flag at the bottom. Doesn't the Earth encompass all nations and all states? Isn't the well-being of the Earth essential to all life? Aren't global issues more important to our healthy survival than nationalism? It's time to recognize the primacy of the Earth over nations and states when we fly their symbols on our town square. We cannot have a healthy nation without a healthy Earth. It is time to "Put the Earth on Top."

##### Patriotism

Some may think that flying anything above the American Flag is unpatriotic. The image on the Earth flag is known as The Blue Marble, taken Dec. 7, 1972, by the *Apollo 17* spacecraft crew, and is among the most reproduced images in history, now celebrating its 50th anniversary. The Earth flag should fly above the flag of any nation. Flying the Earth flag above the Stars and Stripes does not disrespect the United States.

##### Legality

But, isn't it illegal to fly any flag above the Stars and Stripes? The United States Flag Code does state that the American flag should fly at the top of a flagpole, but regarding the enforceability and application of the code, Wikipedia states:

"The United States Flag Code establishes advisory rules for display and care of the national flag of the United States of America ... This is a U.S. federal law, but only suggests voluntary customs for handling of the American flag and was never intended to be enforceable. The code uses non-binding language like 'should' and 'custom' throughout and does not prescribe any penalties for failure to follow the guidelines."

### Priorities

Global warming and nuclear war are the greatest threats to our survival today. Stabilizing the climate and advancing peace require that we meet in good faith with other nations and develop a positive plan of action. We can proudly negotiate as Americans, but we must prioritize the overall well-being of our planet and be willing to make political and economic concessions.

Human-caused climate change and its product of global warming will make the Earth uninhabitable within the lifetimes of our children and grandchildren unless people agree to drastically cut CO2 emissions.

Nuclear war, inflamed by our new cold war with Russia and China, could destroy all life on Earth in just a couple of years with the onset of nuclear winter.. The only path away from the brink is for nations to put aside their political posturing and agree to join the Treaty on the Prohibition of Nuclear Weapons, pledge no first-use and use true diplomacy to resolve conflicts.

Once again, the focus must be shifted from national interests to the safety and health of our planet Earth.

Put the Earth on top.

### Enacting Clause

The people of the City of Arcata do ordain as follows:

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.

For the purpose of this measure, the Earth Flag shall be defined as the blue flag featuring the “Blue Marble” image of the Earth, photographed from the Apollo 17 spacecraft, in 1972.

/s/ David Meserve

Dated this 16<sup>th</sup> day of February, 2022