

ORDINANCE AMENDING CITY OF TUPELO CODE OF ORDINANCES
CHAPTER 24, ARTICLE VIII, SECTIONS 24-216 THROUGH 24-219

WHEREAS, Miss Code Anno. §3-3-16 (1972 as amended), effective February 7, 2001, provided for the design of the State Flag of Mississippi; and

WHEREAS, Miss. Code Anno. Sec. 3-3-15 (1972 as amended) provided the following guidance concerning display of the state flag, in pertinent part, “The State Flag *may* be displayed at all public buildings...” (Emphasis added.); and

WHEREAS, the Office of the Attorney General of the State of Mississippi has therefore opined that the display of the State Flag by municipalities is discretionary; and

WHEREAS, on January 16, 2018, the City Council of the City of Tupelo, Mississippi enacted an ordinance prescribing the display of the State Flag at municipal facilities and grounds; and

WHEREAS, also on January 16, 2018, the City Council of the City of Tupelo, Mississippi passed a Resolution respectfully requesting the Legislature and Governor to either change the flag to one which brings us together, or mandate that political subdivisions display the current flag, or allow the citizens of this state to again express their wishes by statewide referendum; and

WHEREAS, on June 28, 2020, the Mississippi State Legislature passed House Bill 1796 to establish a commission to redesign the Mississippi State Flag and provided that the design for the Mississippi State Flag recommended by the commission would not include the design of the Confederate battle flag but would include the words "IN GOD WE TRUST"; that the commission would make its recommendation for a design for the new Mississippi State Flag by September 14, 2020; that the design for the new Mississippi State Flag recommended by the

commission would be placed on the ballot in a special election to be held on November 3, 2020; that if a majority of the qualified electors vote for the new design, then the legislature would enact into law the new design as the Official Mississippi State Flag; that if a majority of the qualified electors voted against the new design, then the commission would reconvene and redesign the Mississippi State Flag to be presented to the legislature during the 2021 regular session; and repealed Section 3-3-16, Mississippi Code of 1972, which provides the design for the current official flag of the State of Mississippi.

NOW, THEREFORE, IT IS ORDAINED by the City of Tupelo City Council that Chapter 24, Article VIII, Sections 24-216 through 24-219 of the Code of Ordinances be amended to read as follows:

SECTION 24-216: The flag of the United States of America shall be displayed at all municipal facilities or grounds where the municipal facility or grounds display flags as of June 29, 2020.

SECTION 24-217: The current State Flag of Mississippi shall be retired from City Hall, City Council Chambers, Veteran's Park and Ballard Park, and displayed at the Oren Dunn Museum as determined to be in its proper historical context.

SECTION 24-218: Until the the design of the State Flag of Mississippi is changed in accordance with House Bill 1796 of the 2020 Mississippi Legislature, the City of Tupelo Flag shall be displayed at City Hall, City Council Chambers, Veteran's Park, Ballard Park and the Tupelo Police Department.

SECTION 24-219: When the new State Flag of Mississippi is adopted, it shall replace the City of Tupelo Flag and be displayed at City Hall, City Council Chambers, Veteran's

Park, Ballard Park and the Tupelo Police Department, or at any future locations in accordance with state law and this ordinance where multiple flags are flown.

The foregoing ordinance was proposed in a motion by Councilmember _____, seconded by Councilmember _____, and was brought to a vote as follows:

Councilmember M. Whittington voted _____

Councilmember L. Bryan voted _____

Councilmember Beard voted _____

Councilmember Davis voted _____

Council Member Palmer voted _____

Councilmember M. Bryan voted _____

Councilmember Jennings voted _____

Whereupon, the Ordinance having received a majority of affirmative votes, the President of the Council declared that the Ordinance had passed and adopted on this the _____ day of _____, 2020.

CITY OF TUPELO, MISSISSIPPI

NETTIE Y. DAVIS, Council President

ATTEST:

MISSY SHELTON, Clerk of the Council

APPROVED:

JASON L. SHELTON, Mayor

DATE: _____