



CITY of BRISBANE

Inclusion, Diversity, Equity & Accountability Policy Subcommittee Meeting Agenda

Thursday, November 8, 2022 at 6:00 PM • Virtual Meeting

This meeting is compliant with the Ralph M. Brown act as amended by California Assembly Bill No. 361 effective September 16, 2021 providing for a public health emergency exception to the standard teleconference rules required by the Brown Act. The purpose of this is to provide a safe environment for the public, staff and committee members, while allowing for public participation. The public may address the Committee Members using exclusively remote public comment options. The Committee may take action on any item listed in the agenda.

TO ADDRESS THE COMMITTEE

The IDEA Subcommittee Meeting will be an exclusively virtual meeting. The IDEA Subcommittee meeting agenda materials may be viewed online at www.brisbaneca.org at least 24 hours prior to a Special Meeting, and at least 72 hours prior to a Regular Meeting.

To view the meeting please join the meeting with the Zoom information below.

Remote Public Comments:

Meeting participants are encouraged to submit public comments in writing in advance of the meeting. Aside from the commenting while in the Zoom meeting, the following email and text line will also be monitored during the meeting and public comments received will be noted into the record during Oral Communications or an item.

Email: ccheung@brisbaneca.org

Text: 628-219-2919

Join Zoom Meeting:

<https://us06web.zoom.us/j/81609799931?pwd=c2l6c3hVVUZIRjBuTGJsdTd1OXNPdz09>

Meeting ID: 816 0979 9931

Passcode: 123456

Dial In Number: +1 669 444 9171

SPECIAL ASSISTANCE

If you need special assistance to participate in this meeting, please contact the City Clerk at (415) 508-2113. Notification in advance of the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting.

SUBCOMMITTEE MEMBERS:

Mangesh Kolhatkar, Miyoko Nida, and Alex Horton (Vice Chair)

6:00 P.M. CALL TO ORDER

ROLL CALL

APPROVAL OF AGENDA

PUBLIC COMMENT

NEW BUSINESS

- A. Flag Procedures

STAFF REPORT

- B. Scheduling the Next Subcommittee Meeting

ADJOURNMENT



INCLUSION, DIVERSITY, EQUITY, AND ACCOUNTABILITY POLICY SUBCOMMITTEE AGENDA REPORT

Meeting Date: 11/8//2022

From: Stuart Schillinger, Assistant City Manager

Subject: Review and Discuss Potential Procedures for Displaying
Flags on City Property

Community Goal/Result

Community Building

Safe Community

Purpose

Create a Community where all people feel accepted and appreciated for who they are.

Recommendation

Discuss and recommend to the full IDEA (Inclusion, Diversity, Equity, and Accountability) Committee a City of Brisbane Procedure for displaying flags and banners on City owned flag poles.

Background

The City currently does not have an adopted written procedure concerning what flags may be displayed on City property. The City has a number of flag poles located throughout the City, i.e., at City Hall, at the Corporation Yard, at the Marina, and three at the Community Park. The City displays the United States Flag at all of its locations. In the past, the City has also chosen to display a number of other flags, including the Pride Flag, Black Lives Matter Flag, and an MIA/POW Flag. More recently, the City has displayed the flag of the Ukraine to show support for that independent nation.

A resident has come forward requesting the IDEA committee to look at the potential of displaying on City property a flag/banner Standing United with Asians. There are currently no spots on City flag poles to display this flag/banner. Additionally, other groups may come forward making similar requests. Therefore, in that the City has no written procedure concerning the display of flags on City property, and given the purpose of the IDEA Committee, it is appropriate for the City to create a procedure for responding to these types of requests.

Discussion

Staff has researched what written policies other cities have concerning displaying flags/pennants on City flag poles and property. This issue has come to the forefront in light of a

recently decided case from the United States Supreme Court (attached). The Supreme Court cited Boston's lack of an approved procedure for flying flags as a cause for ruling in favor of the party who had requested a particular flag be displayed. The Court cited San Jose's policy as an example of an appropriate policy (attached).

Staff found a number of other policies from around the County, State, country and even Canada (all attached). There was also a publication on this matter put out by the Oregon League of Cities, which is also attached.

The procedure needs to consider the following elements:

- Rules for displaying the United States Flag
- Rules for displaying State Flag
- Rules Flags that are neither the United States nor the State of California
 - What types of flags
 - Commemorative
 - Religious
 - Political
 - Social
 - Ethnic
 - Foreign Countries
 - Who may request flags to be displayed (Councilmembers, staff, public)
 - Which flag Poles may be used
 - Other areas of the City where flag poles may be placed
 - Period of time flags may be displayed

Another area the Subcommittee might wish to discuss is the best spot in the community for flag poles displaying non-Governmental Flags. The City is currently in the process of creating a Park Master Plan for Sierra Point. This may create an opportunity to place more flag poles in that area, which could be combined with a public art piece which honors the ideas of peace, and unity or other ideas related to placing flags honoring different community members. The park could be a central gathering location for a variety of gatherings the community would like to hold.

Fiscal Impact

The cost of installing a flagpole is \$2,000.

Measure of Success

The City develops a flag display procedure, which is consistent with its values.

Stuart Schillinger

Stuart Schillinger, Assistant City Manager

Attachments:

Flag Policies

1. Antioch
2. London Canada
3. San Jose
4. Model policy from the Oregon League of Cities
5. Fargo
6. Signal Hill
7. Santa Clara
8. Redwood City
9. Half Moon Bay
10. Millbrae
11. Colma
12. Burlingame
13. Boston
14. Summary of Supreme Court Case



STAFF REPORT TO THE CITY COUNCIL

DATE: Regular Meeting of February 11, 2020
TO: Honorable Mayor and Members of the City Council
SUBMITTED BY: Thomas Lloyd Smith, City Attorney *TL5*
SUBJECT: City of Antioch Flag Policy

RECOMMENDED ACTION

It is recommended that the City Council adopt the resolution approving the City of Antioch Flag Display Policy.

FISCAL IMPACT

There is no fiscal impact associated with this action.

DISCUSSION

The City of Antioch Flag Display Policy provides standard procedures for the display of flags at City facilities while promoting patriotism, inclusion, and pride in the City. The display of flags shall support the vision, mission, and objectives of the City and present the City in a positive and professional manner.

The purpose of City of Antioch Flag Display Policy is to establish that the flag of the United States of America, the California state flag, United States Armed Forces flags, the City of Antioch flag, and other flags approved by an adopted resolution of the Antioch City Council are welcome and authorized for display at City Hall and/or other City facilities.

ATTACHMENTS

- A. Resolution
Exhibit A to the Resolution – City of Antioch Flag Display Policy

RESOLUTION NO. 2020-xx

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ANTIOCH
ADOPTING A POLICY FOR THE DISPLAY OF FLAGS AT CITY FACILITIES**

WHEREAS, the City of Antioch ("City") displays flags at City Hall and other City facilities in accordance with Federal and State law;

WHEREAS, displays of flags on the City's flagpoles express the City's official sentiments;

WHEREAS, the City of Antioch has not historically had a comprehensive policy for the display flags on City flagpoles, but the City Council recognizes the need for such a policy;

WHEREAS, the City Council desires to adopt a policy for the display of flags at City Hall and other City facilities including the United States flag, the California State flag, the United States Armed Forces flags, the City of Antioch flag, and other commemorative flags approved by a resolution of the City Council; and

WHEREAS, at the January 14, 2020, Antioch City Council meeting, the City Council discussed and considered a working draft of a policy for the display of flags at City facilities and directed staff to bring an updated draft of such policy forward at a subsequent City Council meeting for further consideration.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Antioch that:

Section 1. Findings

The City Council hereby finds and determines that the above recitals are true and correct and have served as the basis, in part, for the findings and actions of the City Council set forth below.

Section 2. Decision

The City Council of the City of Antioch hereby adopts the City of Antioch Flag Display Policy attached hereto as Exhibit A.

Section 3. Effective Date

This resolution shall take effect immediately upon its adoption.

* * * * *

I HEREBY CERTIFY that the foregoing resolution was passed and adopted by the City Council of the City of Antioch at a regular meeting thereof, held on the 11th day of February, 2020 by the following vote:

AYES:

ABSENT:

NOES:

ARNE SIMONSEN, CMC
CITY CLERK OF THE CITY OF ANTIOCH



CITY OF ANTIOCH FLAG DISPLAY POLICY

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ARTICLE I. INTRODUCTION

Section 1.01 Goal

The goal of the City of Antioch ("**City**") Flag Display Policy is to provide standard procedures for the display of flags at City facilities while promoting patriotism, inclusion, and pride in the City. The display of flags shall support the vision, mission, and objectives of the City and present the City in a positive and professional manner.

Section 1.02 Purpose

The purpose of this policy is to establish that the flag of the United States of America (the "**American Flag**"), the California state flag (the "**State Flag**"), United States Armed Forces flags ("**Military Flags**"), City of Antioch flag ("**Antioch Flag**"), and other flags approved by an adopted resolution of the City Council ("**Other Approved Flags**") are welcome and authorized for display at Antioch City Hall and/or other City facilities.

Section 1.03 Applicability

This policy applies to all flags identified herein that are flown at City facilities.

Section 1.04 The American Flag in Antioch

The American Flag is a symbol of pride and freedom for all Americans. To encourage patriotism and appreciation for the United States of America, the City of Antioch encourages the display of the American Flag in our city. In particular, the City encourages the display of the American Flag at residential homes, businesses, and civic organizations on Memorial Day, Veterans Day, Flag Day, and Independence Day. On Memorial Day the American flag should be flown at half-staff from sunrise until noon only, then raised briskly to the top of the staff until sunset, in honor of the nation's battle heroes.

Section 1.05 Definitions

Half-Staff: The position of the flag when it is one-half the distance between the top and bottom of the staff.

Executive or Military Department: Any agency listed under Sections 101 and 102 of Title 5, United States Code.

Member of Congress: A Senator, Representative, Delegate, or the Resident Commissioner from Puerto Rico.

Section 1.06 References

United States Code (U.S.C.A.), Title 4 United States Code (U.S.C.A.), Title 36 California Government Code, Sections 430-439.

ARTICLE II. GENERAL PROVISIONS

Section 2.01 Policy

The City's Flag Display Policy for City Hall and other City facilities shall be in accordance with United States Code (U.S.C.A.), Title 4 and Title 36 and California Government Code, Sections 430-439.

Section 2.02 The Display of Flags on the City's Flagpoles Represents the City of Antioch's Official Sentiments

The display of flags represents the City of Antioch's official sentiments and the City may choose what it desires to publish and endorse on its flagpoles, provided it is consistent with the law. The City shall display commemorative flags only if authorized by the City Council as an expression of the City's official sentiments. Any such authorization shall be given at a duly noticed meeting of the City Council. The City's flagpoles are to be used exclusively by the City, where the City Council may display a commemorative flag as a form of government speech and expression. The City's flagpoles are not intended to serve as a forum for free expression by the public.

Section 2.03 Display of Flags Generally

2.03.1 The American Flag together with the State Flag shall be displayed daily at major City operated facilities.

2.03.2 When the American Flag and State Flag are displayed with other flags, the American Flag shall be placed in the first position of honor and the State Flag shall be placed in the position of second honor at all times.

2.03.3 The American Flag and State Flag may be displayed from sunrise to sunset. Proper illumination is recommended if the flags will be displayed twenty-four (24) hours per day.

2.03.4 The American Flag and State Flag should not be displayed on days when the weather would place them at substantial risk of damage, in the judgment of the City Manager or designee.

2.03.5 Flags displayed on the same halyard shall have the American Flag at the peak in the first position of honor, with the State Flag directly below the American Flag in the second position of honor in such a manner as not to interfere with any part of the American Flag. All other flags shall be displayed at a position subordinate to the State Flag.

2.03.6 When the American Flag and State Flag are displayed at the same time on separate flagpoles, the staffs shall be of equal height, the flags shall be of equal size, and the State Flag shall be positioned to the American Flag's left or the observer's right. The American Flag shall be hoisted first and lowered last.

2.03.7 The American Flag and State Flag, and any other displayed flag adjacent to these, shall be flown at half-staff during any of the following circumstances:

- a) During a national day of mourning or remembrance as declared by the President of the United States. The period of time that the flags remain at half-staff shall be determined by Presidential order.
- b) During a State day of mourning or remembrance as declared by the Governor of the State of California. The period of time that the flags remain at half-staff shall

be determined by gubernatorial order. On Memorial Day each year, the flags shall be displayed at half-staff until noon only, then raised to the top of the staff.

- c) By order, and for the period prescribed, by the Antioch City Council.
- d) An occasion befitting a local day of mourning or remembrance as determined by the City Manager of the City of Antioch. The length of time that the flags remain at half-staff shall be prescribed by the City Manager.

When displayed at half-staff, the American Flag and State Flag shall be first hoisted to the peak for a moment and then lowered to the half-staff position. The flags shall be again raised to the peak before they are lowered for the day. When displayed from adjacent staffs, the American Flag shall be raised and lowered first.

2.03.8 No flag shall be displayed above the American Flag.

2.03.9 When the American Flag is displayed over the middle of the street, the flag should be suspended vertically with the union (blue field) to the north in an east and west street, or to the east in a north and south street

2.03.10 When the American Flag is displayed with another flag from crossed staffs, the American Flag should be on the right (the flag's own right, the observer's left) and its staff should be in front of the staff of the other flag.

2.03.11 The City of Antioch recognizes that any rule or custom pertaining to the display of the American Flag may be altered, modified, or repealed, or additional rules with respect thereto may be prescribed, by the Commander in Chief of the Armed Forces of the United States, whenever deemed to be appropriate or desirable. Any such alteration or additional rule shall take precedence over the practices set forth in this policy.

Section 2.04 Display of Flags Outside City Hall

The American Flag shall be displayed in the first position of honor, which is the observer's extreme left or at the highest point. The State Flag shall be displayed in second position of honor, which on a single flagpole is directly beneath the American Flag. The City of Antioch Flag shall be placed in the third position of honor directly beneath the State Flag, unless a United States Armed Forces Flag(s) (e.g. POW/MIA flag, which serves as the symbol of our Nation's concern and commitment to achieving the fullest possible accounting of all Americans who still remain, or in the future may become, unaccounted for as prisoners of war, missing in action or otherwise unaccounted for as a result of hostile action) precedes it. If so, the City of Antioch Flag will be in the fourth position of honor directly below the Military Flag.¹ Other Approved Flags shall be in the subordinate positions of honor.

Section 2.05 Display of Flags When There Are Multiple Flagpoles

If there are multiple flagpoles displaying flags together in the same location, the American Flag, State Flag and City of Antioch Flag shall be displayed as follows: The American Flag shall be displayed in first position of honor, which is the observer's extreme left or at the highest point in the center. The State Flag shall be displayed in second position of honor to the right of the American Flag. The City of Antioch Flag shall be placed in the third position to the left of the American Flag.

¹ At the time of drafting this policy, City Hall uses a single flagpole for the display of the American, California, POW/MIA, and City of Antioch flags. If the City elects to use multiple flagpoles at City Hall at some point in the future, then Section 2.05 of this policy would apply.

Section 2.06 Display of Flags Inside City Hall and Other Facilities

If the American Flag is displayed in a lobby area it must be displayed in the first position of honor. This position is on the left side of the lobby upon entrance.

Section 2.07 Display of Flags in the City Council Chambers

The American Flag, State Flag and City Flag shall be the only flags displayed in the City Council Chambers. The American Flag shall be displayed in the first position of honor. This position is on the Mayor and City Council's right as they face the audience or to the observer's left. The State Flag shall be displayed in the second position of honor. This position is to the observer's right of the American Flag. The City Flag shall be displayed to the observer's right of the State Flag.

Section 2.08 Disposal of American Flag or State Flag

When the American Flag or State Flag, deteriorates to such a condition that it no longer serves as a fitting emblem of display, it shall be destroyed in a dignified manner, preferably by burning. All fire stations are flag disposal sites.

ARTICLE III. PUBLIC REQUESTS TO DISPLAY FLAGS ON CITY FLAGPOLES

Section 3.01 Process and Timeline for Public Requests to a Display Flag at City Hall and Other City Facilities

The City Council is open to considering public requests to display flags celebrating the efforts of nationally recognized civil rights movements that strive for equal rights and equal protection under the law for groups that have historically endured and sought to overcome unlawful and unjust discrimination within our country. Public requests to display such flags should be submitted to the City Clerk's Office at least **45 days** prior to the requested date of the flag raising and display.

- The City Clerk shall record the date of the request and forward it to the City Manager and the City Attorney for review.
- The City Manager shall present the request to the Mayor, who shall to agendize the request for the consideration of City Council, unless the City Attorney provides a written recommendation to deny the request supported by his or her analysis that the request is inconsistent with the goals and purposes of the City of Antioch Flag Policy.
- If an applicant's request to display a flag on the City's flagpole has been denied, the City Council shall only consider that same request if a member of the City Council makes a request to the Mayor or City Manager in writing on behalf of the applicant to place the item on the City Council agenda.
- The City Council shall then consider whether to approve or deny the request to display the flag by majority vote.
- The City Council reserves the right to disqualify or deny requests, in its sole discretion, that are not consistent with the goals and purpose of the City of Antioch Flag Display Policy.

Section 3.02 Time Limit for Displaying Other Approved Flags

Other Approved Flags shall be displayed for a period of time that is reasonable or customary for the subject that is to be commemorated, but no longer than thirty-one (31) continuous days.

Section 3.03 Other Approved Flags Shall Be Displayed in the Last Position of Honor

Other Approved Flags displayed on City flagpoles shall be displayed in the last position of honor beneath the City of Antioch Flag, unless otherwise directed by the City Council and to the extent such display does not conflict with federal law, state law, or this policy.

Section 3.04 Purchase of Other Approved Flags

The City may only purchase American Flags, State Flags, Military Flags, and City Flags. If the City Council votes to display a flag in response to a public request, the person or group making the public request shall provide the flag to the City and be responsible for the cost of the flag.

Flags at City Hall

 **BY-LAW NUMBER**

CPOL.-114(e)-319)

AS AMENDED BY

Legislative History: Adopted September 19, 2017 (By-law No. CPOL.-114-366); Amended July 24, 2018 (By-law No. CPOL.-114(b)-417); Amended June 11, 2019 (By-law No. CPOL.-114(c)-158); Amended August 10, 2021 (By-law No. CPOL.-114(d)-247); Amended October 5, 2021 (By-law No. CPOL.-114(e)-319)

Last Review Date: October 5, 2021

Service Area Lead: City Clerk

1. Policy Statement

1.1 This policy sets out the requirements for the flying of flags at City Hall.

2. Definitions

2.1 Not applicable.

3. Applicability

3.1 This policy shall apply to any person or organization seeking to fly a flag at City Hall.

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a) The following flags shall be permitted to be flown at City Hall on the flag poles over the front entrance of City Hall:

i) flags deemed by the City Clerk to be in accordance with the flag etiquette of Canada as established by Heritage Canada (restricted to the flag of the City of London, Canadian provinces, the Canadian flag, the personal flags and standards of the Royal Family and the Governor General and the Lieutenant Governors throughout Canada, the Royal Union flag, and the flags of the United Nations, the North Atlantic Treaty Organization and the Commonwealth); and,

ii) an appropriate flag on the occasion of a visiting dignitary, on the day of the dignitary’s visit to London City Hall, as a gesture of respect and friendship.

4.2 Flags in City Hall

a) As an annual observance to recognize the anniversary of the London Township Treaty, the five signatory First Nations (Chippewas of the Thames First Nation, Chippewas of Kettle and Stoney Point First Nation, Walpole Island First Nation, Aamjiwnaang First Nation and Caldwell First Nation) shall be invited to have their flags displayed on September 7th of each year, in City Hall. In the event that September 7th falls on a day on which City Hall is closed, the flags shall be displayed on the first day prior to September 7th that City Hall is open for business.

4.3 Community Flag Pole

a) The following flags shall be permitted to be flown at City Hall on the Community Flag Pole installed at the northwest corner of City Hall, facing Wellington Street:

i) the Canadian flag at such times as there is no flag of a charitable or non-profit organization or the “Every Child Matters Flag” to be flown as provided for in 4.3a)ii) and iii), or at such times as the half-masting of a flag is in order, as provided for under 4.5c), below;

ii) to celebrate achievement, the flag of a charitable or non-profit organization to help increase public awareness of their programs and activities; an organization that has achieved national or international distinction or made a significant contribution to the community, or an organization that has helped to enhance the City of London in a positive manner; and,

iii) the “Every Child Matters Flag” to be flown on September 30th of each year to recognize the National Day for Truth and Reconciliation (National Orange Shirt Day).

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b) The following guidelines shall be observed for the flying of flags permitted under 4.3a)ii), above:

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i) the organization’s flag will fly in connection with a particular event by an organization;

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ii) no flags of commercial, religious or political organizations shall be permitted;

iii) no flags of a group or organization whose undertakings or philosophy are contrary to City of London policies or by-laws, or espouse hatred, violence or racism shall be permitted;

iv) an organization’s flag shall be flown no more than once per calendar year;

v) organizations shall be required to submit requests for their organization’s flag to fly on an annual basis;

vi) a flag shall be flown for a period of up to one week, or for the duration of the associated event, whichever is less; and,

vii) flags shall only be raised and lowered on those business days that City Hall is open.

4.4 Flags at Back Entrance of City Hall

a) The following flags shall be permitted to be flown at City Hall on the flag poles over the back entrance of City Hall facing Reginald Cooper Square:

i) The flags of all the provinces and territories and the Canadian Flag are hung, in order of confederation, over the back entrance facing Reginald Cooper Square. The Canadian Flag is hung as per the standards outlined in the National Flag of Canada Etiquette issued from the Federal Government.

b) The precedence for flag order (from left to right) as per the Position of Honour is as follows:

i) the National Flag of Canada;

ii) the flags of other sovereign nations in alphabetical order (if applicable);

iii) the flags of the provinces of Canada (in the order in which they joined Confederation);

iv) the flags of the territories of Canada (in the order in which they joined Confederation)

c) The flags are used as follows:

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4.5 General **and analyze traffic. To learn more about cookies, view our Privacy Policy. By clicking “Accept” on this banner, you consent to the use of cookies unless you have specifically disabled them in your browser.**

a) The City Clerk will administer the policy for the flying of flags at City Hall [Privacy Policy](#).

b) The following guidelines shall apply to resolving conflicts arising from this policy:

i) conflicts between the flying of flags in accordance with 4.1a)i) and 4.1a)ii) shall be settled firstly in favour of those flags being flown in accordance with 4.1a)i) and secondly in favour of those flags being flown in accordance with 4.1a)ii);

ii) conflicts between the flying of flags in accordance with 4.3a)i) and 4.3a)ii) shall be settled firstly in favour of those flags being flown in accordance with 4.3a)i) and secondly in favour of those flags being flown in accordance with 4.3a)ii);

iii) conflicts between the dates requested for flags to be flown by two or more organizations on the Community Flag Pole shall be settled in favour of the organization which first made its request; and,

iv) in the event there is a dispute between an organization and the City Clerk as to the eligibility of a request, the appeal process shall be through the Standing Committee of Council whose mandate it is to deal with such matters, with the Municipal Council having full and final say as to whether or not the request to fly a flag will be granted.

c) The following guidelines shall be observed for the half-masting of the Canadian flag on the Community Flag Pole:

i) the flying of the Canadian flag at half-mast denotes a period of official mourning or commemoration;

ii) the City of London will fly the Canadian flag on the Community Flag Pole at half-mast in the event of a death or to commemorate a solemn occasion. The Canadian flag will be lowered at the direction of the Mayor. In consultation with the Mayor, the City Clerk will provide instruction to lower the Canadian flag on the Community Flag Pole;

iii) the position of the Canadian flag when flying at half-mast will depend on its size, the length of the mast and its location; but as a general rule, the centre of the Canadian flag shall be exactly half-way down the mast;

iv) the official period of mourning is defined as the day of passing until the day of the funeral; and,

v) the Canadian flag will be flown at half-mast on the Community Flag Pole to commemorate the following occasions:

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Date	Occasion
<p>and analyze traffic. To learn more about cookies, view our Privacy Policy. By clicking “Accept” on this banner, you consent to the use of cookies unless you have specifically disabled them in your browser.</p> <p>April 28 Privacy Policy</p>	National Day of Mourning for Persons Killed or Injured in the Workplace
August 9	Peacekeepers’ Day
Last Sunday in September	National Peace and Police Officers’ Memorial Day
November 11	<p>Remembrance Day*</p> <p>*Half-masting shall occur at 11:00 a.m. or according to the prescribed order of service at the Cenotaph.</p>
December 6	National Day of Remembrance and Action on Violence Against Women

Last modified: Tuesday, October 19, 2021

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City of San José, California

COUNCIL POLICY

TITLE EXHIBITION OF FEDERAL, STATE, AND CITY FLAGS FROM CITY BUILDINGS – ALL OCCASIONS	PAGE 1 of 3	POLICY NUMBER 2-1
EFFECTIVE DATE April 27, 1970	REVISED DATE October 17, 2006	
APPROVED BY COUNCIL ACTION		

PURPOSE

To establish guidelines for: (1) the exhibition of the flag of the United States of America, the California State flag, the San Jose City flag from City buildings and the New City Hall flag at City Hall, and (2) the display of street flags for parades and holidays, and (3) the display of ceremonial flags.

POLICY

It is the policy of the City of San José that flags should be displayed in conformance with Federal and State policies, as stated in the Federal "Our Flag" publication of the Congress, House Document No. 96-144; and the State of California Government Code Sections 430 and 437.

In order to establish a policy with respect to the locations and days when the United States of America, California State, and San Jose City flags should be displayed, the following standards should be followed.

The Director of General Services is responsible for ensuring the proper execution of this policy at all City facilities except the Airport, where the Director of Aviation is responsible for proper execution of this policy.

STANDARDS

A. Federal, State and City Flags

1. Outdoor flags will be flown at City facilities in the following order of precedence: first, the United States flag; second, the California State flag; third, the San Jose City flag; and fourth, the New City Hall flag.
2. Weather permitting, flags should be displayed daily in front of or at a location near City Hall, the Police Administration Building, the Civic Auditorium, the Airport, and all Fire and Police facilities during business hours.
3. Flags should not be displayed in inclement weather. However, all-weather flags may be flown on a 24-hour basis as long as they are illuminated from sunset to sunrise.

City of San José, California

TITLE EXHIBITION OF FEDERAL, STATE, AND CITY FLAGS FROM CITY BUILDINGS – ALL OCCASIONS	PAGE 2 of 3	POLICY NUMBER 2-1
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The City Hall flags shall be all-weather flags, shall be flown on a 24-hour basis and shall be illuminated at night.

4. The San Jose City flag will be flown wherever there are sufficient poles to do so in accordance with #2 above. The City flag may be displayed on the same pole with, and underneath the State flag, whenever the pole is of sufficient height. The Federal, State, and City flags shall not be flown on a single pole of any height.
5. New City facilities where any flags are to be flown shall be constructed with a sufficient number of poles to allow the City flag to be flown.
6. Indoor City flags shall be displayed at a minimum in the City Council Chambers and in the Mayor's Office.
7. On recognized Federal and/or State holidays, and on other special occasions as listed below, flags should be flown from all locations listed in paragraph A-2 above.
 - a) January 1, New Year's Day
 - b) January 20, (2001, 2005, 2009, etc., every fourth year) on the day the President of the United States is inaugurated
 - c) Third Monday in January, Martin Luther King's birthday
 - d) Third Monday in February, Presidents' Day
 - e) Second Sunday in May, Mother's Day
 - f) Third Saturday in May, Armed Services Day
 - g) Last Monday in May, Memorial Day. The flags to be flown at half-staff (first raise to top, then slowly lower to half-staff) until noon and at full staff from noon until sunset. NOTE: The United States flag must always be flown by itself when displayed at half-staff.
 - h) Third Sunday in June, Father's Day
 - i) June 14, Flag Day
 - j) July 4, Independence Day
 - k) First Monday in September, Labor Day
 - l) September 9, Admission Day
 - m) September 17, Constitution Day
 - n) Second Monday in October, Columbus Day
 - o) The first Tuesday after the first Monday in November of a presidential election year and gubernatorial election days
 - p) November 11, Veteran's Day
 - q) Fourth Thursday in November, Thanksgiving Day
 - r) December 25, Christmas Day
 - s) State holidays
 - t) Special occasions of Federal, State and local proclamation
8. Flags at all City facilities shall be displayed in accordance with the above standards. However, the City Manager may order flags to be lowered to half staff including, but not limited to flags of the United States of America and State of California in honor of the death of a City employee killed in the line of duty.

City of San José, California

TITLE EXHIBITION OF FEDERAL, STATE, AND CITY FLAGS FROM CITY BUILDINGS – ALL OCCASIONS	PAGE 3 of 3	POLICY NUMBER 2-1
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B. Street Flags

Street flags are defined as flags flown on a guy wire over a city street. The guy wire is generally attached to city streetlights and is oriented perpendicular to the flow of traffic. Street flags may be flown in the downtown area on Veteran's Day and Memorial Day, if requested by a group sponsoring an event on that day and approved by the City Council. Funding for this flag flying may be provided by an outside agency or at the City's expense, depending on the decision of the City Council.

C. Ceremonial Flags

The City's flagpoles are not intended to serve as a forum for free expression by the public. The following flags may be displayed by the City as an expression of the City's official sentiments:

1. Flags of Governments Recognized by the United States. Flags of the governments recognized by the United States may be displayed upon the request of the Mayor, a member of the City Council or the City Manager.
2. Flags of Sister Cities: The flags of official Sister Cities of San Jose may be displayed in conjunction with an event involving the Sister City.
3. Flags Displayed in Conjunction With Official Ceremonial Items: Other flags may be displayed in conjunction with official actions, ceremonial items, or proclamations of the City Council.
4. Flags of Professional Sports Teams: The City Manager may order the display of the flag of a professional sports team in commemoration of a significant achievement involving the City of San Jose.



Guide to the Public Display of Flags on Government Buildings

DECEMBER 2021

Guide to the Public Display of Flags on Government Buildings

Any guide and model document provided by the LOC is intended to be used as a starting point in an individual city's development of its own policies and documents. Each city is unique, and any adopted document or policy should be individually tailored to meet a city's unique needs.

This guide is not intended as a substitute for legal advice. Cities should consult with their city attorney to ensure that it complies with all flag-related aspects of federal, state and local law.

Introduction

The image of a flag flying over a government building is not uncommon. Typically, government entities – including cities – will fly the national and state flag on their buildings. The flying of some flags is even mandated by law. This guide will cover: how and when city flags should be flown; and when other non-governmental flags should be flown; and how to dispose of older flags.

The Display of Governmental Flags

The rules and regulations impacting the display of governmental flags varies between federal and state law.

Federal Flag Regulations

Federal law does not mandate the display of the United States flag. However, should a city choose to display the flag, it should follow the federal flag display guidelines. The United States flag should only be displayed from sunrise to sunset unless it is properly illuminated during the hours of darkness.¹ The flag should be displayed on or near the main building of public institutions and should be hoisted briskly and lowered ceremoniously and should not be displayed on days where the weather is inclement unless an all-weather flag is displayed.² When the United States flag is flown on the same halyard as another state or city flag, the United States flag shall be at the peak.³ For further details on the display of the United States flag, a copy of *Guidelines for Display of the Flag* issued by the U.S. Department of Veterans Affairs is provided for easy reference at the end of this guide.

State Flag Regulations

Unlike the federal requirements, the state of Oregon requires two types of flags in addition to the American flag to be displayed. All public institutions must display the United States flag, the Oregon state flag, and the National League of Families POW/MIA flag.⁴ Both state and POW/MIA flags must be displayed during the same time when the United States flag is customarily displayed.⁵ In addition to the display of governmental flags, state statute provides that necessary funds to defray the expenses incurred for such flags and for poles and appliances necessary in connection therewith and for the care thereof shall be paid out of the funds available for the care and maintenance of the public building.⁶

¹ 4 USCA § 6 (West).

² 4 USCA §§ 4, 6 (West).

³ 4 USCA § 7 (West).

⁴ ORS 186.110.

⁵ *Id.*

⁶ ORS 186.120.

City Flag Regulations

The rules and regulations around the display of city flags is unique to each individual city. To promote consistency, cities may choose to implement a city flag display policy via resolution passed by the city council. A sample city flag resolution is provided at the end of this guide.

Flag Etiquette

There are federal and state guidelines as to when certain flags must be flown at half-staff, which is done during periods of mourning. For example, flags are to be flown at half-staff on all federal buildings during Memorial Day or when the President orders flags to be flown at half-staff. Similarly, the Oregon governor has similar authority to order when flags should be flown at half-staff within the state. Cities may also order flags to be flown at half-staff. Once a flag is worn out or otherwise unfit for display, it should be destroyed in a dignified manner, preferably by burning.

The Display of Non-Governmental Flags

When a city or other government entity chooses to fly a flag on city property, this is considered government speech.⁷ Unlike the public's First Amendment right to freedom of speech, the government is not required to display any and everything that is requested by members of the public. Rather, the city may choose to fly the non-governmental flags and commemorative flags of its choosing. It is recommended that the city council develop a policy regarding the types of flags the city will fly whether by request of a member of the public, city staff, or the council itself. Cities have broad discretion on the extent of its non-governmental flag policy. A city may choose to ban the flying on non-governmental flag outright, allow certain flags upon request, or allow all flags. If a city chooses to fly certain flags upon request of the public, it is important that the city reviews the requests in a non-discriminatory manner. Examples of various flag policies from select cities are included at the end of this guide.

⁷ See, for example, *Shurtleff v. City of Boston*, 986 F3d 78 (1st Cir 2021) (holding the city's display of third-party flags on the city hall flagpole constitutes government speech and decision to deny Christian organization's application to display Christian flag on city flagpole did not implicate free speech rights).



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Guidelines for Display of the Flag

Public Law 94-344, known as the Federal Flag Code, contains rules for handling and displaying the U.S. flag. While the federal code contains no penalties for misusing the flag, states have their own flag codes and may impose penalties. The language of the federal code makes clear that the flag is a living symbol.







In response to a Supreme Court decision which held that a state law prohibiting flag burning was unconstitutional, Congress enacted the Flag Protection Act in 1989. It provides that anyone who knowingly desecrates the flag may be fined and/or imprisoned for up to one year. However, this law was challenged by the Supreme Court in a 1990 decision that the Flag Protection Act violates the First Amendment free speech protections.

Important Things to Remember

Traditional guidelines call for displaying the flag in public only from sunrise to sunset. However, the flag may be displayed at all times if it's illuminated during darkness. The flag should not be subject to weather damage, so it should not be displayed during rain, snow and wind storms unless it is an all-weather flag.

It should be displayed often, but especially on national and state holidays and special occasions.

The flag should be displayed on or near the main building of public institutions, schools during school days, and polling places on election days. It should be hoisted briskly and lowered ceremoniously.

Image	Description
	<p>When carried in procession with other flags the U.S. flag should be either on the marching right (the flag's right) or to the front and center of the flag line. When displayed on a float in a parade, the flag should be hung from a staff or suspended so it falls free. It should not be draped over a vehicle.</p>
	<p>When displayed with another flag against a wall from crossed staffs, the U.S. flag should be on its own right (left to a person facing the wall) and its staff should be in front of the other flag's staff.</p>
	<p>In a group of flags displayed from staffs, the U.S. flag should be at the center and the highest point.</p>
	<p>When the U.S. flag is displayed other than from a staff, it should be displayed flat, or suspended so that its folds fall free. When displayed over a street, place the union so it faces north or east, depending upon the direction of the street.</p>
	<p>When the U.S. flag is displayed from as projecting from a building, the union of the flag should be placed at the peak of the unless the flag is at half-staff. When suspended from a rope extending from the building on a pole, the flag should be hoisted out, union first from the building.</p>
	<p>When flags of states, cities or organizations are flown on the same staff, the U.S. flag must be at the top (except during church services conducted at sea by Navy chaplains)</p>

The flag should never be draped or drawn back in folds. Draped red, white and blue bunting should be used for decoration, with the blue at the top and red at the bottom.

The flag may be flown at half-staff to honor a newly deceased federal or state government official by order of the president or the governor, respectively. On Memorial Day, the flag should be displayed at half-staff until noon.

Other Things Not to Do with the Flag

Out of respect for the U.S. flag, never:

- dip it for any person or thing, even though state flags, regimental colors and other flags may be dipped as a mark of honor.

- display it with the union down, except as a signal of distress.

- let the flag touch anything beneath it: ground, floor, water, merchandise.

- carry it horizontally, but always aloft.

- fasten or display it in a way that will permit it to be damaged or soiled.

- place anything on the flag, including letters, insignia, or designs of any kind.

- use it for holding anything.

- use it as wearing apparel, bedding or drapery. It should not be used on a costume or athletic uniform. However, a flag patch may be attached to the uniform of patriotic organizations, military personnel, police officers and firefighters.

- use the flag for advertising or promotion purposes or print it on paper napkins, boxes or anything else intended for temporary use and discard.

During the hoisting or lowering of the flag or when it passes in parade or review, Americans should stand at attention facing the flag and place their right hand over the heart. Uniformed military members render the military salute. Men not in uniform should remove any headdress and hold it with their right hand at their left shoulder, the hand resting over the heart. Those who are not U.S. citizens should stand at attention.

When the flag is worn out or otherwise no longer a fitting emblem for display, it should be destroyed in a dignified way, preferably by burning.

MODEL RESOLUTION REGARDING THE DISPLAY OF FLAGS ON CITY PROPERTY

CITY OF [Insert name of city], OREGON [Insert name of city], CITY COUNCIL

RESOLUTION NUMBER: [Insert appropriate number]

A RESOLUTION OF THE [Insert name of city] CITY COUNCIL GOVERNING THE
DISPLAY OF FLAGS ON CITY PROPERTY.

WHEREAS, the city council desires to establish clear guidelines regarding the display of all flags flown on city-owned or city-maintained properties; and

WHEREAS, in adopting this resolution, the city council declares that flagpoles owned or maintained by the City of [Insert name of city] are not intended to serve as a forum for free expression by the public, but rather as a non-public forum for the display of any governmental and non-governmental flag authorized by the City Council either required by law or as an expression of the City Council's official government speech.

NOW, THEREFORE, BE IT RESOLVED by the [Insert name of city] City Council that:

SECTION 1: Flags shall be displayed in accordance with Federal and State statutes and regulations, including but not limited to, United States Code, Title 4, Chapter 1 and ORS 186.110 and 186.120.

SECTION 2 City Flag. The City of [Insert name of city] flag shall fly at half-staff if either the United States or Oregon flag is at half-staff. The mayor may order the City of [Insert city name] flag to fly at half-staff at the death of a current or former Council Member, current City staff member, or a historically significant member of the community.

SECTION 3 Commemorative Flag.

1. As an expression of the City's official government speech, the City Council may authorize the display of a commemorative flag to fly at city-owned or city-maintained properties.
2. The City Council shall only consider a request to display a commemorative flag if the request is made by a member of the City Council. Requests to fly a commemorative flag by members of the public will not be considered.
3. The decision to approve or deny a request to display a commemorative flag shall be made at a publicly noticed council meeting.
4. Commemorative flags shall be displayed for a period of time that is reasonable or customary for the subject that is to be commemorated.
5. Commemorative flags must be either purchased by the City or temporarily donated for the City's use and must be clean, without holes and tears and be made of an all-weather

fabric. Commemorative flags but be the same size or smaller than the United States and Oregon flags that are flown.

6. If any other flag is flown at half-staff, the commemorative flag will also be flown at half-staff.
7. A “commemorative flag” as defined in this Policy shall mean a flag that identifies with a specific historical event, cause, nation or group of people that the City Council choses to honor or commemorate consistent with the City’s mission and priorities. The following are not allowed as Commemorative Flags and will not be considered by the City Council:
 - a. Flags of a particular religious movement or creed to avoid the appearance of City government endorsing religion or a particular religious movement or creed;
 - b. Flags of a political party to avoid the appearance of City government endorsing a political party; and
 - c. Flags advocating a certain outcome in an election.

SECTION 4: This Resolution is effective immediately upon passage.

PASSED: This [Insert date of passage].

POLICY 29 FLAG DISPLAY

Effective Date: September, 2015

SECTION INDEX: Flag Display

- [1](#) Purpose
- [2](#) Reference
- [3](#) Application
- [4](#) Guidance

1. PURPOSE

It is the intent of the City of Olympia to establish a policy which follows the Washington State provisions governing the display of flags, including the United States flag, the State flag, the City flag, and the POW/MIA flag. Any additions must be approved by the City Manager.

2. REFERENCE

- Washington State provisions governing the display of flags.

3. APPLICATION

This Policy applies to all individuals employed by or who volunteer with the City of Olympia, unless a provision of the policy conflicts with a contract or statute (e.g., Collective Bargaining Agreement (CBA), Civil Service Rule, or Memorandum of Understanding (MOU)).

Failure to comply with this Policy may result in disciplinary action up to and including termination from City service.

4. GUIDANCE

A. Display of Flags Outside Buildings

The City of Olympia follows the Washington State provisions governing the display of flags, including the United States flag, the State flag, the City flag, and the POW/MIA flag.

B. Display of Flags Inside Buildings

In addition to the above flags, other flags may be displayed on a permanent or temporary basis within the building. Examples include the Sister City flag, the World flag, flags received for awards which the City has applied (e.g., the Tree City flag), flags received from visiting groups, or flags designating an event or accomplishment. All flags will be displayed with authorization by the City Manager.

Revision history: Created September, 2015

City of San José, California

COUNCIL POLICY

TITLE EXHIBITION OF FEDERAL, STATE, AND CITY FLAGS FROM CITY BUILDINGS – ALL OCCASIONS	PAGE 1 of 3	POLICY NUMBER 2-1
EFFECTIVE DATE April 27, 1970	REVISED DATE October 17, 2006	
APPROVED BY COUNCIL ACTION		

PURPOSE

To establish guidelines for: (1) the exhibition of the flag of the United States of America, the California State flag, the San Jose City flag from City buildings and the New City Hall flag at City Hall, and (2) the display of street flags for parades and holidays, and (3) the display of ceremonial flags.

POLICY

It is the policy of the City of San José that flags should be displayed in conformance with Federal and State policies, as stated in the Federal "Our Flag" publication of the Congress, House Document No. 96-144; and the State of California Government Code Sections 430 and 437.

In order to establish a policy with respect to the locations and days when the United States of America, California State, and San Jose City flags should be displayed, the following standards should be followed.

The Director of General Services is responsible for ensuring the proper execution of this policy at all City facilities except the Airport, where the Director of Aviation is responsible for proper execution of this policy.

STANDARDS

A. Federal, State and City Flags

1. Outdoor flags will be flown at City facilities in the following order of precedence: first, the United States flag; second, the California State flag; third, the San Jose City flag; and fourth, the New City Hall flag.
2. Weather permitting, flags should be displayed daily in front of or at a location near City Hall, the Police Administration Building, the Civic Auditorium, the Airport, and all Fire and Police facilities during business hours.
3. Flags should not be displayed in inclement weather. However, all-weather flags may be flown on a 24-hour basis as long as they are illuminated from sunset to sunrise.

City of San José, California

TITLE EXHIBITION OF FEDERAL, STATE, AND CITY FLAGS FROM CITY BUILDINGS – ALL OCCASIONS	PAGE 2 of 3	POLICY NUMBER 2-1
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The City Hall flags shall be all-weather flags, shall be flown on a 24-hour basis and shall be illuminated at night.

4. The San Jose City flag will be flown wherever there are sufficient poles to do so in accordance with #2 above. The City flag may be displayed on the same pole with, and underneath the State flag, whenever the pole is of sufficient height. The Federal, State, and City flags shall not be flown on a single pole of any height.
5. New City facilities where any flags are to be flown shall be constructed with a sufficient number of poles to allow the City flag to be flown.
6. Indoor City flags shall be displayed at a minimum in the City Council Chambers and in the Mayor's Office.
7. On recognized Federal and/or State holidays, and on other special occasions as listed below, flags should be flown from all locations listed in paragraph A-2 above.
 - a) January 1, New Year's Day
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 - h) Third Sunday in June, Father's Day
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 - n) Second Monday in October, Columbus Day
 - o) The first Tuesday after the first Monday in November of a presidential election year and gubernatorial election days
 - p) November 11, Veteran's Day
 - q) Fourth Thursday in November, Thanksgiving Day
 - r) December 25, Christmas Day
 - s) State holidays
 - t) Special occasions of Federal, State and local proclamation
8. Flags at all City facilities shall be displayed in accordance with the above standards. However, the City Manager may order flags to be lowered to half staff including, but not limited to flags of the United States of America and State of California in honor of the death of a City employee killed in the line of duty.

City of San José, California

TITLE EXHIBITION OF FEDERAL, STATE, AND CITY FLAGS FROM CITY BUILDINGS – ALL OCCASIONS	PAGE 3 of 3	POLICY NUMBER 2-1
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B. Street Flags

Street flags are defined as flags flown on a guy wire over a city street. The guy wire is generally attached to city streetlights and is oriented perpendicular to the flow of traffic. Street flags may be flown in the downtown area on Veteran's Day and Memorial Day, if requested by a group sponsoring an event on that day and approved by the City Council. Funding for this flag flying may be provided by an outside agency or at the City's expense, depending on the decision of the City Council.

C. Ceremonial Flags

The City's flagpoles are not intended to serve as a forum for free expression by the public. The following flags may be displayed by the City as an expression of the City's official sentiments:

1. Flags of Governments Recognized by the United States. Flags of the governments recognized by the United States may be displayed upon the request of the Mayor, a member of the City Council or the City Manager.
2. Flags of Sister Cities: The flags of official Sister Cities of San Jose may be displayed in conjunction with an event involving the Sister City.
3. Flags Displayed in Conjunction With Official Ceremonial Items: Other flags may be displayed in conjunction with official actions, ceremonial items, or proclamations of the City Council.
4. Flags of Professional Sports Teams: The City Manager may order the display of the flag of a professional sports team in commemoration of a significant achievement involving the City of San Jose.

Chapter 1.14 FLAG DISPLAY

Sections:

1.14.010 Intent – Governing law.

1.14.020 Definitions.

1.14.030 Time and occasions for display.

1.14.040 Position and manner of display.

1.14.010 Intent – Governing law.

It is the intent of this chapter to provide guidance for the display of the following flags at City owned or operated facilities within the City of Sunnyside:

- A. The flag of the United States as defined in [4](#) U.S.C. [1](#).
- B. The National League of Families' POW-MIA flag as defined in [36](#) U.S.C. [902](#).
- C. The flag of the state of Washington as defined in RCW [1.20.010](#). [Ord. 2011-19 § 1 (Exh. A), 2011.]

1.14.020 Definitions.

- A. "Hoist" means the act or function of raising a flag, as on a rope.
- B. "Lower" means the act or function of taking down the flag, as on a rope.
- C. "Half-staff" or "half-mast" means a style of flag display where the flag is flown at the width of the flag from the top. Usually done by first hoisting the flag to the top, then lowering it the width of the flag. [Ord. 2011-19 § 1 (Exh. A), 2011.]

1.14.030 Time and occasions for display.

A. The flag of the United States and flag of the state of Washington shall be displayed on all days at the following locations:

- 1. City Hall;
- 2. Police Department;
- 3. Fire Department;
- 4. Centennial Square.

B. The National League of Families' POW-MIA flag shall be displayed along with the flag of the United States and the flag of the state of Washington upon or near at least one of the locations identified in this section on the following days:

- 1. Armed Forces Day on the third Saturday in May;

2. Memorial Day on the last Monday in May;
3. Flag Day on June 14th;
4. Independence Day on July 4th;
5. National POW-MIA Recognition Day; and
6. Veteran's Day on November 11th.

If the designated day falls on a Saturday or Sunday, then the National League of Families' POW-MIA flag will be displayed on the preceding Friday. [Ord. 2011-19 § 1 (Exh. A), 2011; Ord. 2011-15 § 1, 2011.]

1.14.040 Position and manner of display.

The Mayor or Deputy Mayor in the absence of the Mayor on behalf of the City Council will, by proclamation or executive order, direct the City Manager to lower the flag to half-staff on the following occasions:

- A. Peace Officers Memorial Day, May 15th (unless that day is also Armed Forces Day);
- B. Patriot Day, September 11th;
- C. National Pearl Harbor Remembrance Day, December 7th;
- D. In the event of the death of a principal federal and state government official;
- E. In the event of the death of a City employee, or a member of the public safety community, killed in the line of duty;
- F. In the event of the death of a member of the armed forces from Washington State while serving on active duty;
- G. At the direction of the President of the United States; and
- H. At the request of the Governor of the state of Washington. [Ord. 2011-19 § 1 (Exh. A), 2011.]

Home

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The Sunnyside Municipal Code is current through Ordinance 2021-12, passed September 13, 2021.

Disclaimer: The City Clerk's Office has the official version of the Sunnyside Municipal Code. Users should contact the City Clerk's Office for ordinances passed subsequent to the ordinance cited above.

City Website: <http://www.sunnyside-wa.gov/>

City Telephone: (509) 837-3782

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Groups display flags at Fargo City Hall to showcase diversity

A UNIQUE DISPLAY OF LOVE AND UNITY

June 14, 2021 by [Clarissa Allen \(https://www.kvrr.com/author/callen/\)](https://www.kvrr.com/author/callen/)

FARGO, N.D. (KVRR) – Bridge The Gap in collaboration with OneFargo come together at Fargo City Hall to help teach people about the different heritages and cultures in the community.

“We want people to be able to come here, look around and see themselves and feel comfortable here,” Wess Philome with OneFargo said.

The flags that are here are a representation of a multicultural display of love and unity.

“With this flag display, each and every flag that we display has been donated by a member of the community or have been requested to be displayed by a member of this community,” Avalon Fyreheart with Bridge The Gap said.

In relation to Monday being Flag Day, Bridge the Gap and OneFargo placed flags on the City Hall lawn to showcase the diversity within Fargo.

“Just giving people that representation that something so small just means the world to people they feel like they are part of the community and i know the work we are doing is good and right,” Wess Philome said.

Not only did the group want to showcase diversity, but also bring awareness to a recent hate crime ordinance that is being considered by the City Commission.

“For the people who are put there if you care about the community you would want to see those people who are most vulnerable to be protected, so I would tell them to be a part of that and to push for that change so that so that everyone feel safe and welcome in our community,” Philome said.

“Any flag that is up there could be apart of my family. Frankly, every flag we do display I feel is someone who is a part of my family,” Fyreheart said.

The flags can also be seen on the walking bridge across I-94 while driving in Fargo and give people a personal connection to the cause.

“There are alot of people of different backgrounds and different colors in this community and we should all be accepted and united as one,” Philome said.

“One big family and we all are going to fight for each other no matter what because at the end of the day if we dont fight for them who is going to fight for us when its our turn?” Fyreheart said.

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Tags: [Avalon Fyreheart](https://www.kvrr.com/tag/avalon-fyreheart/) (<https://www.kvrr.com/tag/avalon-fyreheart/>), [Bridge The Gap](https://www.kvrr.com/tag/bridge-the-gap/) (<https://www.kvrr.com/tag/bridge-the-gap/>), [FARGO](https://www.kvrr.com/tag/fargo/) (<https://www.kvrr.com/tag/fargo/>), [ND](https://www.kvrr.com/tag/nd/) (<https://www.kvrr.com/tag/nd/>), [north dakota](https://www.kvrr.com/tag/north-dakota/) (<https://www.kvrr.com/tag/north-dakota/>), [onefargo](https://www.kvrr.com/tag/onefargo/) (<https://www.kvrr.com/tag/onefargo/>), [Wess Philome](https://www.kvrr.com/tag/wess-philome/) (<https://www.kvrr.com/tag/wess-philome/>)

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Commemorative Flags

In 2019, City Council adopted a commemorative flag policy to allow for the rotating display of commemorative flags underneath the City flag at City Hall, the Public Library, and the Police Station. Commemorative flags may only be displayed as authorized by resolution of the City Council. City Council's annual consideration of flags for display is in January of each year, and the represented party is responsible for providing the selected flag. For more information, see the [Commemorative Flag Policy \(PDF\)](#).

2022 Commemorative Flags

The following flags were authorized by the City Council to be displayed in 2022 in accordance with the Commemorative Flag Policy.

Commemorating National Law Enforcement Appreciation Day – January 9 January 3 – February 1, 2022



National Law Enforcement Appreciation Day is recognized annually on January 9. In commemoration of this day, and to recognize the men and women of the Signal Hill Police Department and all law enforcement agencies, we are flying a special flag through February 1. We hope you'll join us in thanking and recognizing local law enforcement for the difficult work they do daily. This day was created by several organizations in 2005. [Learn more](#) from C.O.P.S., one of the organizations that created this day.

Commemorating Black History Month February 1 – March 1, 2022



Black History Month celebrated annually every February. This month celebrates the history and achievements of African-Americans. It also pays tribute to the generations of African-Americans who struggled with adversity throughout American history. African-American History Month encourages us to continue to promote the study of Black history throughout the year.

In 1925, Carter G. Woodson's organization The Association for the Study of Negro Life and History conceived and announced Negro History Week in 1925. Over the years, Negro History Week became a central part of African-American life, and across the country, more Americans came to appreciate the celebration. President Gerald R. Ford officially recognized African-American History Month in 1976. The theme for 2022 focuses on the importance of Black Health and Wellness. This theme acknowledges the legacy of not only Black scholars and medical practitioners in Western medicine, but also other ways of knowing (e.g., birthworkers, doulas, midwives, naturopaths, herbalists, etc.) throughout the African Diaspora. Learn more from the Association for the Study of African American Life and History [here](#).

Commemorating Women's History Month

March 1 - April 1, 2022



Women's History Month is celebrated every March, recognizing the contributions women have made to American history in a variety of fields. The month was officially recognized by Congress in 1987, and since 1995, presidents have issued a series of annual proclamations designating the month of March as "Women's History Month."

The [National Women's History Alliance](#) designates a yearly theme for Women's History Month. The 2022 theme is "Women Providing Healing, Promoting Hope." This theme is "both a tribute to the ceaseless work of caregivers and frontline workers during this ongoing pandemic and also a recognition of the thousands of ways that women of all cultures have provided both healing and hope throughout history."

We will fly the Women's Suffrage Victory flag, with colors of purple, white and gold. This combination was used by the U.S. National Woman's Party, a critical part of the fight for suffrage. The group described the meaning of its colors in a 1913 newsletter: "Purple is the color of loyalty, constancy to purpose, unswerving steadfastness to a cause. White, the emblem of purity symbolizes

the quality of our purpose; and gold, the color of light and life, is as the torch that guides our purpose, pure and unswerving.”
([Source](#))

Commemorating World Health Worker Week: April 3 – April 9 April 1 – May 2, 2022



To commemorate World Health Worker Week, we will fly the Healthcare Heroes flag to pay tribute to all health workers who have bravely fought for others in the face of the dangerous and deadly foe that is COVID-19. We recognize their courage and dedication during one of the most challenging health crises in our country's history. We also honor those healthcare workers who unfortunately lost their lives due to COVID-19 while treating others.

This is also an opportunity to remember all those lost to the COVID-19 pandemic. Each life lost is a tragedy: These are our grandparents, our parents, our siblings, children, coworkers, and neighbors. We reflect on their loss and the loved ones they leave behind, as we continue our efforts to fight COVID-19.

Commemorating Public Service Recognition Week May 1 – May 7, 2022



Public Service Recognition Week is celebrated the first week of May since 1985 (beginning on the first Sunday of the month) to honor the people who serve our nation as federal, state, county, local and tribal government employees. This week provides an opportunity to recognize and promote the important contributions of public servants and honor the diverse individuals who meet the needs of our communities through work at all levels of government and as members of the uniformed services.

This week we will honor and celebrate all City of Signal Hill employees as well as all of the public service workers who make a difference through their work. Learn more about Public Service Recognition Week and all that public service workers do from the [Partnership for Public Service](#).

Commemorating Asian American and Pacific Islander Heritage Month

May 9 – May 23, 2022



May is Asian/Pacific American Heritage Month – a celebration of Asians and Pacific Islanders in the United States. A rather broad term, Asian/Pacific encompasses all of the Asian continent and the Pacific islands of Melanesia (New Guinea, New Caledonia, Vanuatu, Fiji and the Solomon Islands), Micronesia (Marianas, Guam, Wake Island, Palau, Marshall Islands, Kiribati, Nauru and the Federated States of Micronesia) and Polynesia (New Zealand, Hawaiian Islands, Rotuma, Midway Islands, Samoa, American Samoa, Tonga, Tuvalu, Cook Islands, French Polynesia and Easter Island).

AAPI Heritage Month became law in 1992, Congress passed a law which annually designated May as Asian/Pacific American Heritage Month. The month of May was chosen to commemorate the arrival of the first Japanese immigrants to the United States on May 7, 1843, and to mark the anniversary of the completion of the transcontinental railroad on May 10, 1869. The majority of the workers who laid the tracks were Chinese immigrants. Learn more at AsianPacificHeritage.gov.

Commemorating LGBTQ+ Pride Month and Harvey Milk Day

May 22 – June 30, 2022



The Pride Flag commemorates Harvey Milk Day, lesbian, gay, bisexual, transgender, and questioning (LGBTQ) Pride month, and the contributions of the LGBTQ community.

Harvey Bernard Milk was the first openly gay elected official in the history of California, having served on the San Francisco Board of Supervisors prior to being assassinated in 1978. Milk was posthumously awarded the Presidential Medal of Freedom for his contribution to the LGBTQ rights movement and the State of California officially recognizes Harvey Milk Day as a special day of observance annually on his birthday, May 22.

LGBTQ Pride Month is currently celebrated each year in the month of June to honor the 1969 Stonewall riots in Manhattan, New York City. The Stonewall riots were a tipping point for the Gay Liberation Movement in the United States. The purpose of the commemorative month is to recognize the impact that LGBTQ individuals have had on history locally, nationally, and internationally.

Commemorating Labor Day September 1 – September 15, 2022



Labor Day was declared a national holiday in 1894 and is observed on the first Monday in September. Labor Day has its roots in workers fighting for better working conditions and shorter workdays. On September 5, 1882, union leaders in New York City organized what's thought to be the first Labor Day parade. Tens of thousands of labor union members, including tradespeople such as bricklayers, jewelers, typographers and clothing makers, took unpaid leave and marched. The day culminated in picnics, speeches, fireworks, and dancing.

Today, Labor Day weekend marks the unofficial end of summer, but worker-oriented Labor Day parades and festivities are still part of the federal holiday.



Labor Day Flag Presentation_1080p

City of Signal Hill

Commemorating National Hispanic Heritage Month September 15 – October 17, 2022



National Hispanic Heritage Month is observed annually from September 15 to October 15, by celebrating the histories, cultures and contributions of American citizens whose ancestors came from Spain, Mexico, the Caribbean and Central and South America. The observation started in 1968 as Hispanic Heritage Week under President Lyndon Johnson and was expanded by President Ronald Reagan in 1988. September 15 is significant because it is the anniversary of independence for Latin American countries Costa Rica, El Salvador, Guatemala, Honduras and Nicaragua. In addition, Mexico and Chile celebrate their independence days on September 16 and September 18, respectively. Also, Columbus Day or Día de la Raza, which is October 12, falls within this period. Learn more at hispanicheritagemonth.gov.

Commemorating Native American Heritage Month

November 1 – November 30, 2022



We commemorate Native Americans annually each November, and celebrate the significant contributions the first Americans made to the establishment and growth of the U.S. Every President since 1995 has issued annual proclamations designating the month of November as the time to celebrate the cultures, accomplishments, and contributions of Native Americans and Alaska Natives. Through dance, family traditions, art, and music, these stories show both the contemporary diversity and long history of Indigenous people across the land we now call the United States. Native American Heritage Month is also a time to educate the public about tribes, to raise a general awareness about the unique challenges Native people have faced both historically and in the present, and the ways in which tribal citizens have worked to conquer these challenges.

This month has its roots as "American Indian Day" in the early 1900's, when the Boy Scouts of America began to set aside a day for the "First Americans". In 1915, the annual Congress of the American Indian Association meeting in Kansas formally approved a plan concerning American Indian Day. President Coolidge subsequently issued a proclamation declaring the second Saturday of each May as an American Indian Day. This was the first formal appeal for recognition of Native Americans as citizens. Learn more at nativeamericanheritagemonth.gov.



SIGNAL HILL

California

Contact Us

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Phone: 562-989-7300

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DISPLAY OF FLAGS POLICY

PURPOSE

To establish clear guidelines for: 1) the exhibition of the United States of America flag, the California State flag, the City of Santa Clara flag at City facilities and at City Hall, and 2) the display of ceremonial flags.

POLICY

It is the policy of the City of Santa Clara that flags should be displayed in conformance with Federal and State laws and policies, as stated in the Federal "The Flag" publication of the Congress, Title 4, Chapter, 1 of the United States Code, and the State of California Government Code Sections 430 and 437.

The City's flagpoles are not intended to serve as a forum for free expression by the public. The City will not display a ceremonial flag based on a request from a third party, nor will the City use its flagpoles to sponsor the expression of a third party.

PROCEDURE

Federal, State, and City Flags

1. Outdoor flags will be flown at City facilities in the following order of precedence: first, the United States of America flag; second, the California State flag; third, the City of Santa Clara flag;
2. The City of Santa Clara flag will be flown wherever there are sufficient poles to do so. The City flag may be displayed on the same pole with, and underneath the State flag, whenever the pole is of sufficient height. The Federal, State, and City flags shall not be flown on a single pole of any height.
3. Indoor City flags shall be displayed at a minimum in the City Hall Council Chambers and in the Mayor's Office.

Ceremonial Flags

1. Flags of governments recognized by the United States may be displayed upon the request of the Mayor, a member of the City Council, or the City Manager. If flags of two or more nations are flown, the foreign flag(s) must be of equal size and displayed on staffs of equal height as the United States flag.
2. The flags of official Sister Cities of the City of Santa Clara may be displayed in conjunction with an event involving the Sister City or Cities, and shall follow the City flag in the order of precedence of Federal, State, and City flags.



DISPLAY OF FLAGS POLICY

3. Ceremonial flags of significance to the City's history may be displayed as designated by City Council by adoption of a resolution in conjunction with official actions or proclamations of the City Council.
4. Ceremonial flags that commemorate special observances must be approved by City Council by adoption of a resolution prior to the observance and shall be displayed for a period of time that is reasonable or customary for the subject that is to be commemorated, but no longer than 30 continuous days.
5. All ceremonial flags shall be no larger than three feet by five feet and no smaller than two feet by four feet.

RESOLUTION NO. 18-8597

**A RESOLUTION OF THE CITY OF SANTA CLARA, CALIFORNIA
ADOPTING A DISPLAY OF FLAGS POLICY**

BE IT RESOLVED BY THE CITY OF SANTA CLARA AS FOLLOWS:

WHEREAS, establishing a policy on the display of flags will provide guidelines for the exhibition of the United States of America flag, the California State flag, and the City of Santa Clara flag at Santa Clara City Hall and City facilities;

WHEREAS, establishing the Display of Flags policy will help ensure that flags will be displayed in conformance with Federal and State laws and regulations;

WHEREAS, the Display of Flags policy affirms that that the City of Santa Clara's flagpoles are not intended to serve as a forum for free expression by the public;

WHEREAS, the Display of Flags Policy, attached hereto as Attachment 1, provides guidance and the procedure for the display of federal, state, and City flags, as well as the display of ceremonial flags including, but not limited to: flags of governments recognized by the United States, flags of official Sister Cities of the City of Santa Clara, flags of significance to the City's history, and flags that commemorate special observances.

**NOW THEREFORE, BE IT FURTHER RESOLVED BY THE CITY OF SANTA CLARA AS
FOLLOWS:**

1. That the Display of Flags Policy, attached hereto as Attachment 1, is hereby approved and adopted, and the City Manager is directed to number (and renumber, as appropriate) the Council Policy Manual such that they are organized in a logical fashion.

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2. Effective date. This resolution shall become effective immediately

I HEREBY CERTIFY THE FOREGOING TO BE A TRUE COPY OF A RESOLUTION PASSED AND ADOPTED BY THE CITY OF SANTA CLARA, CALIFORNIA, AT A REGULAR MEETING THEREOF HELD ON THE 28th DAY OF AUGUST, 2018, BY THE FOLLOWING VOTE:


AYES: COUNCILORS: Davis, Kolstad, Mahan, O'Neill, and Watanabe and Mayor Gillmor

NOES: COUNCILORS: None

ABSENT: COUNCILORS: None

ABSTAINED: COUNCILORS: None

ATTEST:


JENNIFER YAMAGUMA
ACTING CITY CLERK
CITY OF SANTA CLARA

Attachments incorporated by reference:

1. Display of Flags Policy

ADMINISTRATIVE POLICY

NUMBER: 53
EFFECTIVE: October 15, 2018

SUBJECT: Flag Policy

1. PURPOSE

The purpose of this policy is to standardize the manner in which the Flag of the United States of America, the Flag of the State of California, and other flags are to be displayed at City of Redwood City facilities.

2. POLICY

- 2.1 The Flag of the United States of America together with the Flag of the State of California shall be displayed daily on exterior flag poles at major City facilities and other City property where flag poles exist. Additional flags, including but not limited to, the POW/MIA flag, may be displayed with the express permission of the City Council and/or the City Manager of the City of Redwood City.
- 2.2 Proper respect for the Flag of the United States of America and the Flag of the State of California shall be demonstrated at all times.

3. OUTDOOR DISPLAY

The Flag of the United States of America and other flags may be flown from separate staffs or may be flown from the same flag staff as follows:

- 3.1. When two flags are displayed from separate staffs, on the same level, the flag of the United States of America should be placed in the honor position to the right of the other flags as observed while standing directly in front of a building and facing out toward the flags (to an observer facing a building, the flag of the United States should be to the observer's left).

- 3.2. When two or more flags are flown from the same staff, the Flag of the United States of America should always be at the peak of the staff with the Flag of the State of California flying directly below the United States flag in such a manner as to not interfere with any part of the United States flag. Any other flags should be flown at a position subordinate to the State flag.
- 3.3. When flags of two or more nations are displayed, they should be flown from separate staffs of the same height. If only two flags are displayed, the Flag of the United States of America, as the host flag, should be displayed in the position of honor to the right of the other flag (refer to Section 3.1). If three flags are displayed, two of which are from different nations, the Flag of the United States of America should be displayed to the left of an observer facing the building (refer to Section 3.1), the flag of the other nation should be displayed in the center, and the Flag of the State of California should be displayed to the viewer's right as they face the building. International usage prohibits the display of the flag of one nation above that of another nation in time of peace.
- 3.4. When three or more flags of states, localities, or pennants of societies are grouped and displayed from separate staffs, the flag of the United States should be at the center and at the highest point. The Flag of the State of California is accorded the next place of honor on the viewer's left as they face the building. Staffs shall be of equal height, the flags shall be of equal size.
- 3.5. Flags should be displayed between 8:00 a.m. and 5:00 p.m. Illuminated flags may be displayed 24 hours a day. Flags should not be flown in inclement weather, except when all-weather flags are utilized.
- 3.6. Proper respect for the Flag of the United States of America and the Flag of the State of California shall be demonstrated at all times.
- 3.7. The Flag of the United States of America and the Flag of the State of California shall be hoisted briskly and lowered slowly and ceremoniously.

4. INDOOR DISPLAY

4.1. The City Council Chambers

The Flag of the United States of America should be displayed on a staff in the position of honor on the right side of the City Council dais (to an observer facing the dais, the Flag of the United States should be on the observer's left). Any other flag should stand on the left side of the City Council dais. All flags should be on the same riser as the dais.

4.2. Auditoriums, Meeting Halls

- a. When the Flag of the United States of America is displayed on a staff, the national flag should hold the position of superior prominence, in advance of the audience, and in the position of honor to the right of the speaker as the speaker faces the audience (to an observer facing the speaker, the Flag of the United States should be on the observer's left), with any other flag located to the speaker's left (to an observer facing the speaker, any other flag should be on the observer's right).
- b. When the Flag of the United States of America is displayed either horizontally or vertically against a wall or other flat surface, the union should be uppermost and to the flag's own right (to an observer, the union should be uppermost and to the observer's left).

5.FLYING FLAGS AT HALF-STAFF

5.1. Hoisting Procedure:

- a. When flown at half-staff, the Flag should be first hoisted to the peak for an instant and then lowered to the half-staff position. The flag should be again raised to the peak before it is lowered for the day.

5.2. Federal or State Occasions:

- a. Flags shall be flown at half-staff on the death of prominent Federal or State officials or on instructions from the President of the United States or Governor of California.

5.3. Memorial Day:

- a. Flags shall be flown at half-staff until noon on this day, then raised to full staff for the remainder of the day at City facilities operating on Memorial Day.

5.4. Local Prerogative

- a. Presidential Proclamation 3044 allows for the display of the flag at half-staff "in accordance with recognized customs and practices not inconsistent with law."
- b. Accordingly, the City Manager may direct the flags at all City facilities to be flown at half-staff upon the death of a City employee, whether killed in the line of duty or not.

- c. The Mayor may direct the flags at all City facilities to be flown at half-staff upon the death of a prominent City of Redwood City resident, a current or former City of Redwood City City Councilmember, or a current or former City of Redwood City resident killed in the line of military duty.
- d. The Police Chief or the Fire Chief may direct flags at all City fire stations and police stations be flown at half-staff upon the death, in the line of duty, of any public safety members in the State of California or upon an extraordinary loss of life of public safety members nationwide.
- e. Flags should be flown at half-staff until the burial of the deceased.
- f. Flags may also be flown at half-staff at all City facilities on an occasion befitting a local day of mourning or remembrance as determined by the City Manager or the City Council of the City of Redwood City. The length of time that the flags remain at half-staff shall be prescribed by the City Manager.

6. COVERING A CASKET

When the Flag of the United States of America is used to cover a casket, it should be so placed that the union is at the head and over the left shoulder. The flag should not be lowered into the grave or allowed to touch the ground.

7. CARE OF FLAGS

7.1. Storing or disposing of the Flag of the United States of America

- a. Flags should be folded in the traditional triangle for storage.
- b. Flags are to be dry-cleaned or replaced when they have been soiled.
- c. Flags that are torn are not to be flown but are to be burned.
- d. When disposing a worn flag, the flag should be folded in its customary manner, then burned in a fire that is of sufficient intensity to ensure complete burning of the flag. After the flag is completely consumed, the fire should then be safely extinguished and the ashes buried.

7.2. The Flag of the United States of America should never touch the ground.

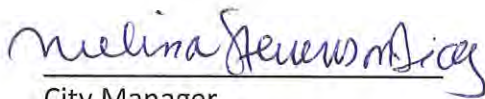
- 7.3. Any Flag of the United States of America or the Flag of the State of California purchased by the City of Redwood City shall be made in the United States.

8. PROCEDURE


- 8.1. The City's Public Works Services staff shall be responsible for bringing the flag displays at City facilities into compliance with this policy.
- 8.2. The City Clerk and/ or City Manager's Office shall coordinate the proper display of flags in the City Council Chambers.
- 8.3. Staff located at City facilities equipped with a flag staff (or staffs) shall coordinate the proper display of the flag(s).

9. REFERENCES

- 9.1. The City's Policy is established in accordance with United States Code, Title 4 (Flag Code) and California Government Code, Sections 430-439, and may be modified by the City Manager to comply with any changes to these codes.



City Manager



Date

RESOLUTION NO. C-2020-24

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HALF MOON BAY
APPROVING A COUNCIL POLICY REGARDING THE DISPLAY OF FLAGS AT CITY FACILITIES**

WHEREAS, the City of Half Moon Bay displays and handles all flags in accordance with federal and state Law, and

WHEREAS, the City does not have local rules or guidelines regarding the display of ceremonial flags at City facilities, and

WHEREAS, the City wishes to adopt a policy to provide clear guidelines about the display of flags at City facilities that declares that the City's flagpoles are not intended to be a forum for free expression by the public.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Half Moon Bay hereby adopts the policy for the display of flags at City Hall contained in Exhibit A.

I, the undersigned, hereby certify that the foregoing Resolution was duly passed and adopted on the 19th day of May 2020 by the City Council of Half Moon Bay by the following vote:

AYES, Councilmembers: Penrose, Rarback, Ruddock, Brownstone, Eisen

NOES, Councilmembers:

ABSENT, Councilmembers:

ABSTAIN, Councilmembers:

ATTEST:

APPROVED:



For

Jessica Blair, City Clerk



Adam Eisen, Mayor

EXHIBIT A – POLICY FOR THE DISPLAY OF FLAGS AT CITY FACILITIES

SECTION 1: PURPOSE

The purpose of this policy is to establish clear guidelines regarding the display of the flags at City facilities.

SECTION 2: POLICY

2.1 Conformance with federal and state Flag Regulations. Flags shall be displayed in accordance with federal and state regulations, including Title 4, Chapter 1 of the United States Code, and Sections 430 through 439 of the California Government Code.

2.2 The City Manager is authorized to order that the City flag be lowered to half-staff in honor of a City / County employee killed in the line of duty.

2.3 Ceremonial or Commemorative Flags.

2.3.1 Non-Public Forum. The City's flagpoles are not intended to be a forum for free expression by the public. Ceremonial or commemorative flags shall be displayed as an expression of the City's official sentiments and authorized by a resolution of the City Council.

2.3.2. Commemorative flags shall only be displayed at City Hall and on the flagpole designated to display the City's flag.

2.3.3 Commemorative flags shall be displayed for a period of time authorized by resolution of the City Council.

2.3.4 The City will not display a commemorative or ceremonial flag based on a request from a third party, unless approved by Council resolution, nor will the City use its flagpoles to sponsor the expression of a third party.

RESOLUTION 21-65

**CITY OF MILLBRAE, COUNTY OF SAN MATEO
STATE OF CALIFORNIA**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILLBRAE
ADOPTING A USE OF CITY FLAGPOLES AND DISPLAY OF FLAGS POLICY**

WHEREAS, the City displays the United States Flag, the State of California Flag, and the City of Millbrae Flag, in accordance with Federal and State law; and

WHEREAS, the City does not have a written policy regarding the display of flags on City-owned flagpoles; and

WHEREAS, the City Council desires to establish a Flag Policy for the outdoor display of flags for all City owned flagpoles; and

WHEREAS, in adopting the Flag Policy, the City Council declares and finds that the City of Millbrae's Flagpoles are not intended to serve as a forum for free expression of the public; and

WHEREAS, the display of Federal, State, and City flags shall be flown in accordance with the Flag Policy, as well as Federal and State laws; and

WHEREAS, any commemorative flags shall be flown in accordance with the Flag Policy as an expression of the City's official sentiments, and shall be consistent with the City's vision, mission, and guiding principles, incorporating themes of diversity, equity, social justice, and inclusion.

NOW, THEREFORE BE IT RESOLVED that the City Council of the City of Millbrae hereby adopts the Flag Policy attached hereto as Exhibit A.

REGULARLY PASSED and adopted this 28th day of September, 2021.


Mayor

ATTEST:

 9/29/21
City Clerk

CITY OF MILLBRAE CITY FLAG POLICY

1. PURPOSE

This policy shall be known as the Millbrae City Flag Policy. The two main purposes of adopting this City Flag Policy are to: (1) designate and clarify that City of Millbrae Flagpoles are not intended to serve as a forum for free expression of the public; and (2) establish a process by which commemorative flags may be flown on City of Millbrae Flagpoles.

In adopting this policy, the City Council declares that the City of Millbrae Flagpoles are not intended to serve as a forum for free expression by the public, but rather for the display of Federal, State, and City flags, and any commemorative flags as may be authorized by the City Council, consistent with the City's vision, mission, and guiding principles, incorporating themes of diversity, equity, social justice, and inclusion as an expression of the City's official sentiments.

2. DEFINITIONS

"City-owned Flagpoles" means those flagpoles that are owned by the City. City-owned Flagpoles refer to those flagpoles located in front of City Hall, David J. Chetcuti Community Room, Police Bureau, Fire Station 37, Civic Plaza, and Millbrae Museum.

"City Ceremonial Flagpoles" shall mean those three (3) flagpoles owned by the City and situated at the Civic Plaza in front of the David J. Chetcuti Community Room, 450 Poplar Ave, Millbrae, CA 94030.

"Commemorative flag" shall mean any flag that identifies with a specific date, historical event, cause, nation or group of people, whereby the City honors or commemorates the date, event, cause, nation or people by displaying the flag.

3.1 City-owned Flagpoles

- a. All City-owned Flagpoles are not intended to serve as a forum for free expression by the public, but rather for the display of the Flags of the United States, State of California, and the City of Millbrae.
- b. Only the City may place or fly a flag on City-owned Flagpoles.
- c. The City will raise, lower, and display the flags of the United States, the State of California, and the City of Millbrae in half-staff in accordance to the proper flag etiquette and respect for the flags following the President, State Governor, or the Mayor's orders in honor of Memorial Day or other National Day of Remembrance, national/local tragedy, or the passing of a government official, military member, or first responder.
- d. All flags will be flown in accordance with all applicable provisions of federal and state laws.

3.3 Exception – Sister/Friendship City Flags

- a. The flag of the country and that of a city officially recognized by the City Council as a Sister City or Friendship City may be displayed at the Ceremonial Flagpoles in place of the Millbrae City Flag during delegation visits or special occasions but must adhere to all applicable federal and state regulations.

3.4 City Approval

- a. The City Council, by resolution, shall direct City staff to display any Commemorative Flag on the City's Ceremonial Flagpoles as an expression of the City's official sentiments, for those dates and times and terms and conditions as set forth in the resolution.
 - b. In enacting this policy, the City Council hereby authorizes the flying of commemorative flags for various annually commemorative events in connection with and during periods of days and/or months of recognition as follows:
 - i. Black History Month - February
 - ii. Asian Pacific Islander Heritage Month – May
 - iii. Memorial Day (Prisoner of War Flag) – Last Monday in May
 - iv. LGBTQ Pride Month (Pride Flag) – June
 - v. Hispanic Heritage Month - September
 - vi. Native American Heritage Month – November
 - vii. Veterans Day (Prisoner of War Flag) – November 11
-

I do hereby certify that the foregoing Resolution was duly and regularly passed and adopted by the City Council of the City of Millbrae this 28th day of September 2021, by the following vote:

AYES: COUNCILMEMBERS: Schneider, Oliva, Papan, Fung and Holober

NOES: COUNCILMEMBERS: None

ABSENT: COUNCILMEMBERS: None

ABSTAIN: COUNCILMEMBERS: None

EXCUSED: COUNCILMEMBERS: None

 9/29/21

CITY CLERK

CHAPTER ONE: GENERAL PROVISIONS

SUBCHAPTER 1.18: DISPLAY OF FLAGS

1.18.010 Purpose and Scope

(a) The purpose of this subchapter is to regulate the Town Flag Poles on Town property which are not intended to serve as a forum for free expression by the public, but rather for the display of the Flags of the United States, State of California and Town of Colma, and any Commemorative Flags as may be authorized by the City Council by resolution as an expression of the Town's official sentiments.

1.18.020 Definitions

(a) "Town Flag Poles" shall mean those flag poles situated at the following locations:

- (1) Town Hall (1 pole)
- (2) Police Department (1 pole)
- (3) Colma Community Center (3 poles)
- (4) Sterling Park Recreation (1 pole)

(b) The Town Flag Poles are not intended to serve as a forum for free expression by the public, but rather for the display of the Flags of the United States, State of California and Town of Colma, and any Commemorative Flags as may be authorized by the City Council by resolution as an expression of the Town's official sentiments.

(c) "Commemorative Flag" shall mean any flag which identifies with a specific date, historical event, cause, nation, or group of people, whereby the Town honors or commemorates the date, event, cause, nation, or people by flying the flag. Commemorative Flags shall be displayed at Town facilities identified herein only upon City Council direction, consistent with the Town's vision, mission, and guiding principles, incorporating themes of diversity, equity, social justice, and inclusion.

1.18.030 Display of Other Flags

(a) The display of flags other than the flags of the United States of America, State of California, and Town of Colma on Town Flag Poles is not permitted except as follows:

- (1) The City Council may, by resolution, direct Town staff to display Commemorative Flags as an expression of the Town's official sentiments by any of the following means:

Display in lieu of the Town of Colma flag on the flag pole located at Town

Hall or at the Colma Community Center.

- (2) Commemorative Flags shall be displayed for a period of time that is reasonable or customary for the subject that is to be commemorated, but no longer than 30 continuous days.

RESOLUTION NO. 014-2022

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BURLINGAME ESTABLISHING
THE CITY'S OUTDOOR FLAGPOLE DISPLAY POLICY**

WHEREAS, the City Council of the City of Burlingame desires the ability to display commemorative and ceremonial flags on City-owned flagpoles as an expression of the City Council's official sentiments; and

WHEREAS, the City's flagpoles are not intended to serve as forums for free speech or expression by the public, and are intended only to display commemorative or ceremonial flags that express the official sentiment of the City Council, as determined by a flagpole display policy adopted by the City Council; and

WHEREAS, to ensure the proper administration and display of all flags on City-owned flagpoles, the City Council wishes to establish and adopt an Outdoor Flagpole Display Policy.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BURLINGAME
RESOLVES AS FOLLOWS:**

Section 1. The foregoing recitals are true and correct and incorporated into this Resolution by this reference.

Section 2. The City Outdoor Flagpole Display Policy, attached hereto as Exhibit A, is approved and adopted.

Section 3. The City Manager is authorized to make any revisions, amendments, corrections and modifications to the Outdoor Flagpole Display Policy, subject to the approval of the City Attorney, deemed necessary to carry out the intent of this Resolution and which do not materially alter the Council's approval of this Policy.

Section 4. The City Manager is authorized to take any other related actions consistent with the intention of this Resolution.

NOW, THEREFORE, BE IT FURTHER RESOLVED that this Resolution shall become effective immediately upon its passage and adoption.



Ricardo Ortiz, Mayor

POLITICS

At City Hall, flags would need approval to fly under proposed ordinance

"The flags that we raise at City Hall Plaza should reflect and celebrate our City's values."

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Satanic Temple asks Boston to fly flag after court ruling

A trio of city councilors have proposed an ordinance to require either a City Council resolution or mayoral proclamation for a flag to be raised outside Boston City Hall.

The filing was announced by Mayor Michelle Wu's office on Tuesday, a day before a flag bearing a red Christian cross is **slated to fly over City Hall Plaza**.

The flag was the focus of a lawsuit filed by Camp Constitution, a Christian group, against the city that argued city officials violated the First Amendment when declining to fly the flag outside City Hall in 2017.

In May, **the U.S. Supreme Court sided with Camp Constitution**, ruling that by refusing to raise the flag solely because of its religious message, the city violated the free speech rights of West Roxbury resident Harold Shurtleff, the group's leader.

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The rule will allow the city to “continue to celebrate flag raising” while also complying with the court ruling, the release states.

“I am grateful for the partnership of the Boston City Council in ensuring future flag raisings comply with the Supreme Court’s decision while empowering us to resume the celebrations of our City’s cultures and communities,” Wu said in a statement. “I’m glad we have a clear way to resolve these legal issues and bring back the beloved traditions we’ve been missing during these proceedings.”

The ordinance was filed by City Council President Ed Flynn and councilors Kenzie Bok and Ruthzee Louijeune.

The sponsors all said the ordinance will, if passed, codify the requirements and process for flags moving forward, thereby ensuring flagpoles express the city’s values.

“The flags that we raise at City Hall Plaza should reflect and celebrate our City’s values, and this ordinance lays out a formal process that will allow us to do that,” Flynn said in a statement.

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Uncovered trash has made for easy feasting for rodents. Now, Boston officials are looking to end the 'rat buffet.'



POLITICS

3 takeaways from Mayor Wu's New York Times Magazine interview

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[U.S. Supreme Court Issues Two Decisions Impacting Local Sign Regulations and Flag Policies \(/news-events/insights/2022/legal-alerts/05/us-supreme-court-issues-two-decisions\)](/news-events/insights/2022/legal-alerts/05/us-supreme-court-issues-two-decisions)

LEGAL ALERTS | MAY 17, 2022

U.S. Supreme Court Issues Two Decisions Impacting Local Sign Regulations and Flag Policies

Lawful or Landmine? Court Rules on First Amendment Snares

Municipalities throughout the country regulate signs and set policy for flag-flying on public property. Done right, these are lawful functions of local government; done wrong, they can be First Amendment landmines. Two recent U.S. Supreme Court decisions refine the map to navigate this landscape.

Shurtleff v. City of Boston (Flags)

Shurtleff v. City of Boston (https://www.supremecourt.gov/opinions/21pdf/20-1800_7lho.pdf) involved a dispute over Boston's denial of a request to fly a religious flag outside City Hall. Boston had allowed private groups to hold flag-raising ceremonies outside City Hall during which groups could replace the city flag with a flag of that group's choosing. From 2005 to 2017, Boston approved the



raising of approximately 50 unique flags at 284 ceremonies.

The case began after the director of an organization called “Camp Constitution” asked to fly the “Christian flag”—which, according to Court documents, displayed a red cross on a blue field against a white background—during an event that would commemorate the “civil and social contributions of the Christian community.” City staff denied the request, citing concerns that flying a religious flag at City Hall would violate the Establishment Clause and that the City had no precedent for flying such a flag. Camp Constitution sued, claiming that Boston’s denial violated the First Amendment’s Free Speech Clause. The District Court sided with Boston, holding that flying private groups’ flags on City Hall property constituted “government speech” under the First Amendment, which allowed Boston to refuse the flag request. The First Circuit affirmed.

The Supreme Court reversed, holding that the flag raisings in question amounted to private—not government—speech due to Boston’s “lack of meaningful involvement in the selection of flags or the crafting of their messages.” In support of this holding, the Court observed that Boston had no written policy or internal guidance regarding which flags non-municipal groups could fly and what message those flags might communicate. Instead, Boston had a “come one, come all” attitude toward private groups’ flags; the city had never denied a private group’s flag request before this case. Upon classifying the flag raisings as private speech, the Court concluded that Boston’s refusal to let Camp Constitution fly its flag violated the Free Speech Clause of the First Amendment.

The Court advised that Boston was free to change its policies to “make clear that it wished to speak for itself by raising flags.” Tellingly, the Court cited approvingly the flag policy adopted by San Jose, California. The Court liked that the San Jose policy includes language stating that San Jose’s “flagpoles are not intended to serve as a forum for free-expression by the public” and limited its approval of flags flown to those that constitute “an expression of the City’s official sentiments.” The Court’s quasi-endorsement of San Jose’s policy strongly suggests that local flag policies with these features would qualify as government speech allowing a city to permit or reject flying of a flag consistent with the policies.

City of Austin, Texas v. Reagan National Advertising of Austin (Signs)

This decision involved the Supreme Court’s revisiting of its holding in *Reed v. Town of Gilbert, Arizona* (https://www.supremecourt.gov/opinions/14pdf/13-502_9olb.pdf). As a recap: in *Reed*, the Court struck down portions of the Gilbert, Arizona sign code that subjected ideological, political and directional signs to different rules with respect to size, location

and length of display time. The Court characterized this regulatory scheme (</News-Events/Insights/2015/Legal-Alerts/07/Arizona-Towns-Content-Based-Sign-Rules-Struck-Dow>) as “content-based” on its face because it subjected signs to different rules depending upon the message conveyed—whether ideological, political or directional. Under the Court’s First Amendment precedents, content-based restrictions are subject to “strict scrutiny” and are “presumptively unconstitutional ... [unless] the government proves they are narrowly tailored to serve a compelling government interest.” In *Reed*, Gilbert failed to meet this standard.

The Court’s decision in *City of Austin, Texas v. Reagan National Advertising of Austin* (https://www.supremecourt.gov/opinions/21pdf/20-1029_i42k.pdf) centered on provisions in Austin’s sign code that allowed on-premises signs—but not off-premises signs—to be digitized. The Court characterized off-premises signs as those that “advertise things that are not located on the same premises as the sign, as well as signs that direct people to offsite locations.” The plaintiff, who owned billboards throughout Austin, argued that the sign code’s separate rules for off-premises and on-premises signs violated the Free Speech Clause of the First Amendment. The District Court sided with Austin, finding that the on/off premises distinction giving wider latitude to on-site advertising was content-neutral under *Reed*. The distinction did not impose greater restrictions for political messages, religious messages, or any other subject matter, but only required city decision-makers, property owners, advertisers and the public to determine whether the subject matter is located on the same property as the sign. The Fifth Circuit reversed, holding that the “the fact that a government official has to read a sign’s message to determine the sign’s purpose is enough to render a regulation content based and subject to strict scrutiny.” Taken to its extreme, this holding would require that a code allowing on-premises advertising allow any advertising message (i.e., not just business identification) on that premises.

The Supreme Court reversed the Fifth Circuit’s decision, reasoning that content-based restrictions subject to heightened scrutiny are those that “discriminate based on the topic discussed or the idea or message expressed.” Austin’s on/off-premises sign standards did none of these things; they were simply “location based and content-agnostic” standards that “did not single out specific subject matter for differential treatment.” Accordingly, the Court held that the on/off-premises sign standards were content neutral and subject to “intermediate scrutiny”—a standard of review that requires Austin to show that its on/off-premises sign distinction is “narrowly tailored to serve a significant government interest.” This decision aligns the Court’s guidance more closely with Justice Kagan’s concurring opinion in *Reed*, where the purpose of the sign (e.g., litter prevention or to show that “George Washington Slept

Here”) could serve to justify some disparate messaging opportunities in the absence of any official message suppression. Justice Kagan had reasoned—and the Court now held—that in these cases, intermediate scrutiny is appropriate. Justice Kagan thought Gilbert’s ordinance failed both tests, noting that it did not pass “strict scrutiny, or intermediate scrutiny, or even the laugh test.” The Court sent the case back to the lower court to determine whether Austin’s code could satisfy this requirement.

Next Steps and Takeaways

In light of the decision in *Shurtleff v. City of Boston*, municipalities desiring to exercise discretion regarding the flags flown (and not flown) by private groups on public property should enact local policies that, among other things, identify the flags that groups can and cannot fly and what those flags communicate (e.g., the city’s official sentiments).

In light of the decision in *City of Austin v. Reagan National Advertising of Austin*, municipalities should consider revisiting their sign codes to ensure that any distinctions between on-premises and off-premises signs are “location based and content-agnostic” and do not single out specific subject matter for different treatment.

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