

Review of City Flag Policies

City	Flags Able to Be Considered	Approval Process	Key Notes
Antioch	Celebrate the efforts of national recognized civil rights movements that strive for equal rights and equal protection	<ul style="list-style-type: none"> Request made 45 days prior Submitted to the Clerk's Office Reviewed by CM and CAO City Council decides by majority vote 	<ul style="list-style-type: none"> Displayed for period that is customary for the commemoration, not to exceed 31 days Displayed in last position of honor Must be purchased by the requester, not the City
Signal Hill	Commemorative flags (no further explanation)	<ul style="list-style-type: none"> Council approves a list of flags to display annually Councilmember may request that the Council consider an unscheduled display 	<ul style="list-style-type: none"> Request made by community member/resident, not third party Displayed in last position of honor Displayed at City Hall, the Library, and Police Station
Vallejo	Serve as expression of the City's official sentiments and shall not create or serve as a forum for public expression	<ul style="list-style-type: none"> City Council decides by majority vote 	<ul style="list-style-type: none"> Displayed in last position of honor Displayed at City Hall and Marina Vista Memorial Park
Morgan Hill	Expression of the City's official sentiments; identifies with a specific date, historical event, cause, nation, or group of people	<ul style="list-style-type: none"> Council decides by majority vote 	<ul style="list-style-type: none"> Displayed for period that is customary for the commemoration, not to exceed 30 days
Napa	As "government speech" (as that phrase is used in <i>People for the Ethical Treatment of Animals, Inc. v. Gittens</i> (2005) 414 F.3d 23)	<ul style="list-style-type: none"> Councilmembers request that the issue be placed on the agenda Council decides by majority vote 	<ul style="list-style-type: none"> Displayed for period that is customary for the commemoration Only displayed in front of City Hall
Mountain View	Specifically lists only the Pride Flag	<ul style="list-style-type: none"> No process, was approved as one resolution by Council 	<ul style="list-style-type: none"> No option to submit requests
Sunnyvale	Expression of the City's official sentiments	<ul style="list-style-type: none"> Council decides by majority vote 	<ul style="list-style-type: none"> No third-party requests Displayed in last position of honor Only displayed in front of City Hall

Key Points:

- Per *People for the Ethical Treatment of Animals, Inc. v. Gittens* (2005) 414 F.3d 23, while the First Amendment's Free Speech Clause limits regulation of private speech, it does not restrict the government when the government speaks for itself. The government speech doctrine, as defined by the United States Supreme Court, provides that the government can advance its own speech without requiring viewpoint neutrality when the government itself is the speaker, so long as the government does not show religious preference or encourage a certain vote in an election.
- A set period of time and place of display should be set.