



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.

CITY OF MORGAN HILL

COUNCIL POLICIES AND PROCEDURES

CP-17-02

SUBJECT: FLAG RAISING

EFFECTIVE DATE SEPTEMBER 27, 2017

ORIGINATING DEPARTMENT: CITY ATTORNEY'S OFFICE

BACKGROUND

The City of Morgan Hill displays the flags of the State of California and of the United States of America on poles located at facilities throughout Morgan Hill. City flag poles are not a public forum, but from time to time the City Council will authorize the display of ceremonial flags consistent with the City's ongoing and strategic priorities.

PURPOSE

Establish guidelines for the City Council to approve the display of flags other than those of the City of Morgan Hill, the State of California or the United States of America.

POLICY

It is the policy of the City of Morgan Hill that the City's 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 and the State of California. The flag poles located at City Hall, the Community and Cultural Center and Centennial Recreation Center may also be used to display the flags of the City of Morgan Hill, Sister Cities, and any Commemorative Flags as may be authorized by the City Council as an expression of the City's official sentiments.

A Commemorative Flag under this policy means a 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 flying the flag. Commemorative Flags shall be displayed at City facilities only upon City Council direction, consistent with the City's vision, mission, and ongoing and strategic priorities, incorporating themes of diversity, equity, social justice, and inclusion.

PROCEDURE

In addition to the flags of the State of California and the United States of America, the City Council may, by resolution, direct City staff to display any Commemorative Flag on the flag poles of City Hall, the Community and Cultural Center and/or the Centennial Recreation Center as an expression of the City's official sentiments, for those dates and times and on those terms and conditions as set forth in the resolution. 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.

This Policy shall remain in effect until modified by the City Council.

APPROVED:



STEVE TATE, MAYOR

CITY COUNCIL POLICY

SUBJECT: DISPLAY OF FLAGS AT CITY FACILITIES

NO.: K-11

PURPOSE:

To standardize the manner in which the national, State, and other flags (e.g., City flag, flags from other nations, etc.) are to be displayed at City of Mountain View facilities.

POLICY:

1. Outdoor Display

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

- a. When two flags are displayed from separate staffs, on the same level, the flag of the United States 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.)
- b. When two or more flags are flown from the same staff, the flag of the United States should always be at the peak of the staff.
- c. 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, as the host flag, should be displayed in the position of honor to the right of the other flag (refer to 1-a above). If three flags are displayed, two of which are from different nations, the flag of the United States should be displayed to the left of an observer facing the building (refer to 1-a above), the flag of the other nation should be displayed in the center, and the Bear 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.
- d. 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 Bear Flag of the State of California is accorded the next place of honor on the viewer's left as they face the building (refer to 1-a above).

CITY COUNCIL POLICY

SUBJECT: DISPLAY OF FLAGS AT CITY FACILITIES

NO.: K-11

- e. 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.

2. Indoor Display

a. City Council Chambers

The flag of the United States should be displayed on a staff in the position of honor on the right side of the City Council dais. 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.

b. Auditoriums, Meeting Halls

- (1) When the national flag is displayed on a staff at floor level in front of an elevated platform, the national flag should occupy the position of honor to the right of the audience as they face the speaker, with any other flag to the audience's left.
- (2) When the national flag is displayed on a staff on an elevated platform, the national flag should occupy the position of honor to the right of the speaker as the speaker faces the audience, with any other flag located to the speaker's left.
- (3) When the national flag is displayed on a staff at floor level when there is no elevated platform and the speaker and audience are on the same floor level, the national flag should occupy the position of honor to the right of the speaker as the speaker faces the audience, with any other flag to the speaker's left.

CITY COUNCIL POLICY

SUBJECT: DISPLAY OF FLAGS AT CITY FACILITIES

NO.: K-11

3. Flying Flags at Half Staff

a. Federal or State Occasions

Flags shall be flown at half-staff on the death of Federal or State officials or in the event of, or to commemorate an event of, nationwide significance on instructions from the President of the United States or Governor of California.

b. Memorial Day

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.

c. Local Prerogative

Presidential Proclamation 3044 allows for the display of the flag at half-staff “in accordance with recognized customs and practices not inconsistent with law.”

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.

The Mayor may direct the flags at all City facilities to be flown at half-staff upon the death of a prominent Mountain View citizen, a current or former Mountain View City Councilmember, or a current or former Mountain View resident killed in the line of military duty.

The Police Chief or the Fire Chief may direct the flags at all City fire stations and the Robert K. Schatz Police and Fire Administration Building to 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.

Flags should be flown at half-staff until the burial of the deceased, but not for more than three days.

CITY COUNCIL POLICY

SUBJECT: DISPLAY OF FLAGS AT CITY FACILITIES

NO.: K-11

d. Placing the Flags at Half-Staff

To place the flags at half-staff, they shall first be raised briskly to the peak of the staff, then slowly lowered to the midpoint. Before lowering the flags, they are to be raised to the peak again and then lowered all the way.

4. 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:

a. Pride Flag

The ceremonial Pride flag may be displayed below the City flag annually in June.

5. Care of Flags

Flags are to be dry-cleaned or replaced when they have been soiled. Flags that are torn are not to be flown but are to be burned.

6. Responsibility

The Facilities Section staff shall be responsible for bringing the flag displays at City facilities into compliance with this policy. On weekends and holidays, the Fire Department duty Battalion Chief shall be responsible for bringing the flag displays at City facilities into compliance with this policy.

The City Clerk and/or City Manager's Office shall coordinate the proper display of flags with the Facilities Section staff for special ceremonies.

CITY COUNCIL POLICY

SUBJECT: DISPLAY OF FLAGS AT CITY FACILITIES

NO.: K-11

Staff located at City facilities equipped with a flag staff (or staffs) shall coordinate the proper display of the flag(s) with the Facilities Section staff.

Revised: May 15, 2018, Resolution No. 18212

Revised: September 25, 2007, Resolution No. 17240

Revised: February 9, 1993, Resolution No. 15536

Revised: February 26, 1991, Resolution No. 15234

Effective Date: August 29, 1989, Resolution No. 14999

LF/CNLPOL

K11-601CP

EXHIBIT A

DISPLAY OF FLAGS POLICY

1. **Purpose and Scope:** This Policy Resolution entitled “Display of Flags Policy” may be referred to herein as “this Policy.” The purpose of this Policy is to establish guidance for the display of flags at City Facilities, including the display of commemorative flags.

2. **Definitions:** The following definitions shall apply to this Policy:

“California Flag” means the State Flag of California (also known as the “Bear Flag”), as defined by California Government Code Section 420.

“City Facility” means any real property that is owned or operated by the City at which Flag Law requires the City to display the U.S. Flag or the California Flag.

“City Flag” means the official flag of the City of Napa, as defined by California Government Code Section 435, and as established by City Council resolution.

“Commemorative Flag” means any flag other than the U.S. Flag, the POW/MIA Flag, the California Flag, or the City Flag.

“Flag Law” means the applicable laws and policies of the federal government, the State of California, and the City of Napa, including: (a) U.S. Code Title 4, Chapter 1; (b) California Government Code Sections 420 and 430 – 439; and (c) and the City of Napa, including this Policy.

“POW/MIA Flag” means the flag of the National League of POW/MIA Families, as defined by California Military and Veterans Cod Sections 1830 and 1831.

“U.S. Flag” means the flag of the United States, as defined by 4 USC 1.

3. **Implementing Compliance with Flag Law through Administrative Regulations:**

3.1. Each flag that is authorized or required to be displayed at a City Facility in accordance with this Policy shall be displayed in accordance with Flag Law.

3.2. The City Manager is hereby authorized to establish and maintain written administrative regulations to document the procedures by which City staff will display flags in accordance with Flag Law.

4. **Displaying the U.S. Flag, POW/MIA Flag, California Flag, and City Flag:**

4.1. The City shall display the U.S. Flag and the California Flag at City Facilities.

4.2. The City Manager is hereby authorized to display the POW/MIA Flag at Veteran’s Park and the City’s Corporation Yard, as a symbol of the City’s commemoration and recognition of the sacrifices of those members of the United States Armed Forces, as well as nonmilitary personnel and civilians from the United States, who remain prisoners of war or are missing in action.

4.3. The City Manager is hereby authorized to display the City Flag at City Facilities.

EXHIBIT A

DISPLAY OF FLAGS POLICY

5. Displaying Commemorative Flags:

- 5.1. The City shall display Commemorative Flags at City Facilities as “government speech” (as that phrase is used in People for the Ethical Treatment of Animals, Inc. v. Gittens (2005) 414 F.3d 23), only to extent that City Council has adopted a resolution to authorize City staff to implement the communication of a particular City message, in accordance with this Policy.
 - 5.1.1. Any member of City Council may request the City Manager to schedule an action to be taken by the City Council, at a duly noticed public meeting, to consider approval of a resolution to authorize the display of a Commemorative Flag in accordance with this Policy.
 - 5.1.2. The only City Facility at which a Commemorative Flag is authorized to be displayed is at a flagpole in front of City Hall.
 - 5.1.3. No more than one Commemorative Flag will be displayed at a time.
 - 5.1.4. The dates for display of a Commemorative Flag shall be reasonably related to the City message that is intended to be communicated.
 - 5.1.5. The resolution authorizing the display of a Commemorative Flag shall document compliance with all elements of this Policy, including: (a) the City message to be communicated, and (b) the dates for display of the flag.
- 5.2. The City Council hereby authorizes the City Manager to display a Commemorative Flag for one of the City’s Sister Cities to commemorate an event involving the sister city. The dates for the display shall correspond to the event being commemorated. The current list of official Sister Cities for the City of Napa include: Launceston, Tasmania, Australia; Iwanuma, Japan; and Casablanca Valley, Chile.

RESOLUTION NO. 2019-10-6444

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
SIGNAL HILL, CALIFORNIA, ESTABLISHING A
COMMEMORATIVE FLAG POLICY**

WHEREAS, the City of Signal Hill displays flags at City facilities in accordance with Federal and State law; and

WHEREAS, the City does not have a policy regarding the display of commemorative flags; and

WHEREAS, the City's 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 flag as may be authorized by resolution of the City Council as an expression of the City's official sentiments.

**NOW, THEREFORE THE CITY COUNCIL OF THE CITY OF SIGNAL
HILL, CALIFORNIA, DOES HEREBY RESOLVE AS FOLLOWS:**

Section 1. The recitals set forth above are incorporated herein as findings by the City Council.

Section 2. The City Council hereby approves the Signal Hill Commemorative Flag Policy, as follows.

Commemorative Flag Policy

1. Authorization for Display

Commemorative flags may be displayed only as authorized by resolution of the City Council and as an expression of the City's official sentiments with respect to subject matters important to community members and residents. The City will not display a commemorative flag based on a request from a third party, nor will the City use its flagpoles to sponsor the expression of a third party.

2. Annual Consideration of Display

In January of each year, the City Council will consider the display of commemorative flags for the upcoming year. After an initial agendaized discussion, staff will return to a subsequent City Council meeting with a resolution supporting the City's display of the flag(s) chosen. A majority of the City Council must vote affirmatively for said resolution.

3. Unscheduled Displays

In addition to the annual consideration, a Council Member may, at any time during the year, suggest the display of additional flags meeting the criteria of this policy. Consideration would be by a two-step process where on an agenda the Council considers the request, and if supported by a motion approved by a majority of the Councilmembers, staff would return with a formal resolution authorizing display of a commemorative flag. A majority of the City Council must vote affirmatively for said resolution.

4. Type of Display

Commemorative flags shall be displayed beneath the City of Signal Hill flag on the same flagpole.

5. Duration of Display

In general, commemorative flags will be rotated on a monthly basis, with the flag displayed on the first business day following the beginning of the month and removed on the first business day following the end of the month. However, the City Council may, as part of the resolution authorizing display of a commemorative flag, adjust the duration of display as desired. If multiple flags are authorized to be displayed in a given month, the City Council will direct staff as to the desired term of display for each flag.

6. Location of Display

Commemorative flags shall be displayed at City Hall, the Library, and the Police Station.

Section 3. This Resolution shall become effective immediately upon its adoption.

PASSED, APPROVED, AND ADOPTED at a regular meeting of the City Council this 8th day of October, 2019.

LORI Y. WOODS
MAYOR

ATTEST:

CARMEN R. BROOKS
CITY CLERK

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) ss.
CITY OF SIGNAL HILL)

I, CARMEN R. BROOKS, City Clerk of the City of Signal Hill, California, hereby certify that Resolution No. 2019-10-6444 was adopted by the City Council of the City of Signal Hill at a regular meeting held on the 8th day of October, 2019, and that the same was adopted by the following vote:

AYES:	VICE MAYOR ROBERT D. COPELAND, COUNCIL MEMBERS KEIR JONES, EDWARD H.J. WILSON
NOES:	MAYOR LORI Y. WOODS, COUNCIL MEMBER TINA L. HANSEN
ABSENT:	NONE
ABSTAIN:	NONE

CARMEN R. BROOKS
CITY CLERK

Policy 7.3.30 "Formal Request to Display Ceremonial or Commemorative Flags at City Hall"

POLICY PURPOSE:

The purpose of this policy is to establish clear guidelines regarding displaying ceremonial or commemorative flags on the flag pole at City Hall.

POLICY STATEMENT:

1. The City's flagpoles are not intended to be a forum for free expression by the public. The City will not display a commemorative flag based on a request from a third party, nor will the City use its flagpoles to sponsor the expression of a third party.
2. Ceremonial or commemorative flags shall be displayed as an expression of the City's official sentiments, consistent with the City's values. It is expected that these flags incorporate themes of diversity, equity, social justice, and inclusion.
3. Ceremonial or commemorative flags:
 - A. Shall be displayed only by adoption of a resolution of the City Council;
 - B. Shall only be displayed on the flag pole located at City Hall, exclusively under the City of Sunnyvale Flag;
 - C. 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 forty-five (45) continuous days.

((Adopted: RTC #19-1201 (12/03/19))

Lead Department: Office of the City Manager

For reference, see also: Administrative Policy 6.2 Display of Flags at City Buildings

ADMINISTRATIVE RULE

SUBJECT: DISPLAY OF FLAGS AT CITY FACILITIES

A.R. Number: X.xx
Date Issued: xx/xx/xxxx
Date Effective: xx/xx/xxxx

1. Purpose

The purpose of this Policy is to establish guidelines for the display of flags at City Facilities. In adopting this Policy, City Council declares that City flagpoles or other areas where flags may be displayed at City Facilities are not intended to and shall not serve as a forum for free expression by the public.

The display of flags at City Facilities is solely intended to serve as an expression of the City's speech and its official sentiments. This Policy applies to all City Facilities and employees, officers, and agents of the City.

2. Definitions

A. "California Flag"

The State Flag of California (also known as the "Bear Flag"), as defined by California Government Code Section 420.

B. "City Facility"

Any real property that is owned, operated, or maintained by the City.

C. "City Flag"

The official flag of the City of Vallejo, as defined by California Government Code Section 435.

D. "Commemorative Flag"

Any flag other than the U.S. Flag, the POW/MIA Flag, the California Flag, or City Flag.

E. "POW/MIA Flag"

The flag of the National League of POW/MIA Families, as defined by California Military and Veterans Code Sections 1830 and 1831.

F. “U.S. Flag”

The flag of the United States, as defined by 4 USC 1.

3. Compliance Applicable Law

Flags shall be displayed at City Facilities in accordance with this Policy and with all applicable federal and state law and local rules, including but not limited to Title 4, Chapter 1 of the United States Code and Sections 430 through 439 of the Government Code.

4. Displaying the U.S. Flag, POW/MIA Flag, California Flag, and City Flag

- A. The City shall display the U.S. Flag and the California Flag at City Facilities.
- B. The City Manager may display the City Flag at City Facilities.
- C. The City Manager may display the POW/MIA Flag at City Facilities as a symbol of the City’s commemoration and recognition of the sacrifices of those members of the United States Armed Forces, as well as nonmilitary personnel and civilians from the United States, who remain prisoners of war or are missing in action.

5. Displaying Commemorative Flags

- A. The City may display Commemorative Flags at City Facilities as “government speech” (as that phrase is used in *People for the Ethical Treatment of Animals, Inc. v. Gittens* (2005) 414 F.3d 23), only to the extent that City Council has adopted a resolution to authorize City staff to implement the communication of a particular City message, in accordance with this Policy, or as specifically set forth herein. The display of Commemorative Flags shall solely serve as expression of the City’s official sentiments and shall not create or serve as a forum for public expression. The City shall not display any Commemorative Flag based on a request from a third party.
- B. City Council may schedule an action to be taken by the City Council, at a duly noticed public meeting, to consider approval of a resolution to authorize the display of a Commemorative Flag in accordance with this Policy. Such authorization will include a description of the flag to be displayed and the dates for display of the particular flag.
- C. Commemorative Flag(s) are authorized to be displayed at two City Facilities, a flagpole in front of City Hall or a flagpole at the Marina Vista Memorial Park, unless otherwise approved by City Council.

- D. No more than one Commemorative Flag will be displayed at a City Facility at a time.
- E. The dates for display of a Commemorative Flag shall be reasonably related to the City message that is intended to be communicated.
- F. The resolution authorizing the display of a Commemorative Flag shall document compliance with all elements of this Policy, including the City message to be communicated and the dates for display of the flag.
- G. The City Manager may display a Commemorative Flag for one of the City's sister cities to commemorate an event involving the sister city. The dates for the display shall correspond to the event being commemorated.

6. Order of Display of Flags

Flags shall be displayed at City Facilities in the following order from top to bottom:

- A. The United States Flag shall be displayed in the first position of honor.
- B. The California State Flag shall be displayed in the second position of honor.
- C. The City Flag shall be displayed in the third position of honor.
- D. The POW/MIA Flag shall be displayed in the fourth position of honor.
- E. Commemorative Flags shall be displayed in the fifth position of honor.