

CITY OF SEBASTOPOL CITY COUNCIL
AGENDA ITEM REPORT FOR MEETING OF: March 4, 2025

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To: Honorable Mayor and City Councilmembers
From: Mayor Zollman
Subject: City Flag Policy for City Hall and Other City Facilities

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RECOMMENDATION:

That the City Council Consider Direction to Staff to Create a City Flag Policy for City Hall and Other City Facilities

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SUMMARY:

City flag policies dictate which flags are flown on city property, and how they are displayed. Historically, the City displays the United States Flag, the State of California Flag, and the City of Sebastopol Flag at City Hall and other City facilities in accordance with Federal and State law. Cities have discretion to decide whether to fly non-governmental flags, and if so, which one(s). However, the City of Sebastopol does not have a formal policy regarding the display of such flags or the display of commemorative flags.

BACKGROUND AND DISCUSSION:

City flagpoles are typically not a public forum and flags flown on City poles normally represent the official sentiments of the City. To avoid public confusion regarding the nature of the forum, and to ensure that the City retains control over all flags displayed on City property, the request is for Council to consider preparation for adoption of a flag policy by Council. The item tonight is to facilitate a discussion between Council to determine whether or not the Council would like to establish a policy to govern the flying of flags, including ceremonial flags, on flagpoles on City property.

The display of commemorative flags on City owned facilities can raise First Amendment Free Speech issues, depending on whether the flag is treated as government speech or private speech on public property.

If a flagpole was deemed to be a “limited public forum” under the First Amendment, the City could not pick and choose what commemorative flags to fly, except on a content-neutral basis. However, under the government speech doctrine, the City may advance its own speech without requiring viewpoint neutrality when the government itself is the speaker, so long as the City does not show religious preference or encourage a certain vote in an election. A proposed policy would be structured to ensure that any commemorative flags flown at City Facilities would be considered City speech.

It is proposed that the Council, if in consensus, provide direction to staff to work with the City Attorney’s office to draft an “Outdoor Display of Flags” policy establishing standards and procedures for the display of flags at City facilities as well as include language for “ceremonial flag” such as 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. An example of a ceremonial flag is the Pride Flag that the City has displayed during the month of June. In research of other cities, another ceremonial flag is the POW/MIA flag, NAACP or Juneteenth Flag.

COUNCILMEMBER REQUEST:

Recently, the City has received requests from the public to display commemorative flags on City flagpoles. Establishing a City Flag Policy will serve two main purposes:

- Designate and clarify that City flagpoles are not intended to serve as a forum for free expression or speech by the public;
- Establish a process by which commemorative flags may be flown on City flagpoles, upon Council approval, to express the official sentiments of the City.

As the requestor of this agenda item, I am requesting the City Council direct staff to establish a policy that provides guidance, standards and criteria for the indoor and outdoor display of flags at City facilities, including commemorative flags other than the United States, State of California, and City flags.

The intent of the policy would not be a public forum that anyone can use to fly flags and is not intended to serve as a forum for free expression by the public. Rather, the City's flagpoles would be used exclusively by the City, where the City Council may display a commemorative flag as a form of government expression.

City staff has conducted limited research on other cities flag policies which are attached for reference.

COMMUNITY OUTREACH:

This item has been noticed in accordance with the Ralph M. Brown Act and was available for public viewing and review at least 72 hours prior to schedule meeting date. The City has also used social media to promote and advertise the City Council Meeting Agenda Items.

FISCAL IMPACT: There is no fiscal impact associated with providing direction to staff. If approved direction to staff, staff would return to a future City Council meeting with a proposed policy as well as any costs for flags for Council consideration.

RESTATED RECOMMENDATION:

That the City Council Consider Direction to Staff to Create a City Flag Policy for City Hall and Other City Facilities

OPTION:

1. The Council could deny the request to create a flag policy

ATTACHMENTS:

Policies from Other Cities (Examples)

RESOLUTION NO. 3650-21

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF WINDSOR
APPROVING A POLICY FOR THE OUTDOOR DISPLAY OF FLAGS**

WHEREAS, the Town of Windsor (Town) displays the Flag of the United States and the Flag of the State of California at Town facilities; and

WHEREAS, the Town has not historically had a flagpole policy regarding the display of such flags or the display of any commemorative flags; and

WHEREAS, the Town Council desires to adopt a policy regarding (1) the display of the United States Flag, the POW-MIA Flag, the California State Flag, and the Town Flag at Town facilities; and (2) the display of commemorative flags at Civic Center or Town Green; and

WHEREAS, the Town’s flagpoles are not intended to serve as a forum for free expression by the public, but rather for the display of the Federal, State, the POW-MIA Flag, Town Flag, and any commemorative flag as may be authorized by the Town Council as an expression of the Town Council’s official sentiments.

NOW, THEREFORE BE IT RESOLVED that the Town Council of the Town of Windsor does hereby adopt the policy, regarding Outdoor Display of Flags, as set forth in the attached Exhibit A.

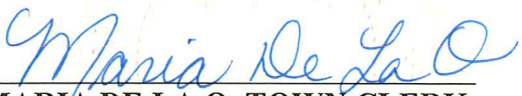
PASSED, APPROVED AND ADOPTED this 20th day of January 2021, by the following vote:

AYES:	COUNCILMEMBERS FUDGE, LEMUS, VICE MAYOR SALMON AND MAYOR FOPPOLI
NOES:	NONE
ABSTAIN:	NONE
ABSENT:	NONE



DOMINIC FOPPOLI, AT-LARGE MAYOR

ATTEST:



MARIA DE LA O, TOWN CLERK

- Attachment:**
- **Exhibit A - Outdoor Display of Flags Policy**



EXHIBIT A

OUTDOOR DISPLAY OF FLAGS POLICY

1. Background

The Windsor Town Council desires to establish a policy regarding (1) the display of the United States Flag, the POW-MIA Flag, the California State Flag, and the Town Flag at Town Facilities; and (2) the display of commemorative flags at the Civic Center and Town Green. In adopting this policy, the Town Council declares that the Town of Windsor's flagpoles are not intended to serve as a forum for free expression of the public, but rather for the display of Federal, State, the POW-MIA Flag, and Town Flags, and any commemorative flag as may be authorized by resolution of the Town Council as an expression of the Town Council's official sentiments. Requests by Councilmembers for commemorative flags must follow Council policies for placing items on Council meeting agendas.

2. Purpose and Scope

The purpose of this Policy is to establish guidance for the outdoor display of flags at Town Facilities, including the display of commemorative flags. The Outdoor Display of Flags Policy may be referred to herein as "this Policy." Nothing in this Policy is intended to control the Town's indoor display of flags, including commemorative flags, within Town Facilities.

3. Definitions

The following definitions shall apply to this Policy:

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

"POW-MIA Flag" means the flag of the National League of POW-MIA Families, as defined by California Military and Veterans Code Sections 1830 and 1831.

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

"Town Facility" means any real property that is owned or operated by the Town.

"Town Flag" means the official flag of the Town of Windsor, as defined by California Government Code Section 435, and as established by Town Council resolution.

"Commemorative Flag" means any flag other than the U.S. Flag, the California Flag, the POW-MIA Flag, or the Town Flag.

4. Standards

Flags shall be displayed in accordance with Federal and State statutes, including, but not limited to, Title 4, Chapter 1 of the United States Code and Sections 430 through 439 of the California Government Code, and this Policy.

5. Displaying the U.S. Flag, California Flag, POW-MIA Flag, and Town Flag

5.1 No other flag shall be placed above the U.S. Flag and no other flag shall be larger than the U.S. Flag. Other flags may be flown at the same height and in the same size, in accordance with this Policy. Where both the U.S. Flag and the California Flag are flown, they shall be of the same size.

5.2 Flags should be hoisted briskly and lowered ceremoniously. The U.S. Flag should be hoisted first and lowered last.

5.3 Flags shall be displayed during operating hours on all days on which the Town is open for business, and on national and state holidays. Flags may be displayed twenty-four (24) hours a day as long as they are illuminated during darkness.

5.4 Flags shall not be displayed during inclement weather. However, all-weather flags may be displayed twenty-four (24) hours a day as long as they are illuminated during darkness.

5.5 The Town shall display the U.S. Flag and the California Flag at Town Facilities. The U.S. Flag shall be displayed in the first position of honor. The California State Flag shall be placed in the second position of honor (unless the POW-MIA flag is displayed in accordance with this Policy).

5.6 The Town Manager is hereby authorized to display the Town Flag at Town Facilities. The Town Flag, if displayed, shall be placed in the position of honor following the California State Flag.

6. Displaying the POW-MIA Flag

6.1 The POW-MIA Flag is nationally recognized, created in 1971, and recognized by an act of Congress through the adoption of U.S. Public Law 101-355, to represent the concern of individuals who are identified as prisoners of war or missing in action. The POW-MIA Flag has become a symbol of commitment to achieving the fullest possible accounting for those in the future who may become prisoners of war, missing in action, or otherwise unaccounted for as a result of hostile action.

6.2 In accordance with the Town's longstanding tradition, the POW-MIA flag shall continue to be displayed at the Civic Center and Town Green. The POW-MIA flag may also be displayed at other Town facilities. If displayed, the POW-MIA flag shall

be placed in the second position of honor, and the California Flag shall then be in the third position of honor.

7. Displaying Commemorative Flags

7.1 The Town's flagpoles are not intended to serve as a forum for free expression by the public. The Town shall display commemorative flags only if authorized by the Town Council as an expression of the Town Council's official sentiments. Any such authorization shall be given at a duly noticed meeting of the Town Council.

7.1.1 The Town Council shall only consider a request to display a commemorative flag if the request is made by a member of the Windsor Town Council.

7.2 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 thirty-one (31) continuous days, unless Town Council expressly authorizes a longer period in accordance with this Policy and to the extent, such display does not conflict with Federal and State laws.

7.3 Commemorative flags shall be displayed exclusively on the Civic Center or Town Green Flagpoles, and shall not be displayed on flagpoles at Public Works Yard, Community Center, or Senior Center.

7.4 Commemorative flags displayed on the Civic Center or Town Green Flagpoles shall be displayed in the last position of honor.

8. Displaying Flags at Half-Staff

8.1 Only the U.S. President or Governor of California can order the U.S. Flag or California State Flag to fly at half-staff. It shall be Town custom to follow the lead of the federal and state governments when the President and/or Governor orders the flags to be flown at half-staff.

8.2 Whenever the U.S. Flag is flown at half-staff, all displayed flags shall also be flown at half-staff. When lowering a flag to half-staff, the flag shall first be hoisted to its peak for an instant and then lowered to half-staff. At the end of the day, the flag shall again be raised to its peak before being lowered for the day.

8.3 The Town Manager is authorized to order that the Town flag be lowered to half-staff in honor of a Town employee killed in the line of duty.

8.4 The Town Council is authorized to order that the Town flag be lowered to half-staff in honor of the death of a Town of Windsor resident who has made an especially meritorious contribution to the interests or well-being of the town.



Mission Statement

*"We Care for Our Residents by Working Together to Build a
Better Community for Today and Tomorrow."*

**CITY OF ROHNERT PARK
CITY COUNCIL AGENDA REPORT**

Meeting Date: July 12, 2022

Department: Administration

Submitted By: Darrin Jenkins, City Manager

Prepared By: Sylvia Lopez Cuevas, City Clerk

Agenda Title: **Consider Amending the Current Council Policy for Outdoor Display of Flags
at City Facilities (Policy Number 1.01.015)**

RECOMMENDED ACTIONS:

Consider amendments to the Current Council Policy for Outdoor Display of Flags at City Facilities (Policy Number 1.01.015) to allow ceremonial flags be flown at all City flagpoles and to indicate the POW/MIA flag may be flown on Memorial Day and Veteran's Day and the Pride flag may be flown from June 1 through June 15 and the Juneteenth flag may be flown from June 16 through June 30.

BACKGROUND:

On June 28, 2022, Mayor Elward, Vice Mayor Rodriguez and Councilmember Giudice requested an item be added to a future agenda to discuss amendments to the current flag policy to allow ceremonial flags be flown at all City flagpoles.

ANALYSIS:

The City Council adopted a Policy for Outdoor Display of Flags at City Facilities (Policy Number 1.01.015) on July 13, 2021. The current policy allows for the following ceremonial flags to be flown at City Hall:

1. Pride Flag
2. POW/MIA Flag
3. Juneteenth Flag

Attached to this staff report is a red line version of the current policy to facilitate a discussion amongst Councilmembers to determine whether or not the Council would like to amend the current policy to allow ceremonial flags be flown at all City owned flagpoles. These would include the following locations:

1. City Hall
2. Senior Center
3. Corp Yard
4. Sports Center
5. Public Safety
6. City Center Plaza

The following City facilities have a flagpole on site but the poles are not equipped or are tall enough to fly more than one flag at a time. Staff recommends against removing the American Flag for ceremonial flags at these locations:

7. Fire Northern Station 2 (5200 Country Club Dr.)

- 8. Fire Western Station 3 (6020 Labath Avenue)
- 9. Fire Southern Station 4 (Maurice Avenue)

There is also a flagpole located at 6250 State Farm Drive that it does not comply with flag etiquette – it does not have a light or cable system for raising and lowering of flags. The Public Works Department does not have a cost estimate available at this time to retrofit this location.

In addition to the amendment described above, staff identified a discrepancy regarding when the ceremonial flags may be displayed. The policy has been revised to indicate the POW/MIA flag may be flown on Memorial Day and Veteran’s Day and the Pride flag may be flown from June 1 through June 15 and the Freedom Day or Juneteenth National Independence Day flag may be flown from June 16 through June 30 to match Council’s direction from the July 13, 2021 City Council meeting.

STRATEGIC PLAN AND COUNCIL PRIORITIES ALIGNMENT:

This item supports the City’s value of integrity: Creates and sustains an atmosphere that fosters a culture of openness, inclusion, compassion and trust.

OPTIONS CONSIDERED:

- 1. **Staff recommends** amending the policy to indicate the POW/MIA flag may be flown on Memorial Day and Veteran’s Day and the Pride flag may be flown from June 1 through June 15 and the Juneteenth flag may be flown from June 16 through June 30 to match Council’s direction from the July 13, 2021 City Council meeting.
- 2. Discuss amendments to the current policy to allow ceremonial flags be flown at all City owned flagpoles. If Council decides to amend the policy, staff will bring back a revised policy for adoption at a future meeting.
- 3. The Council could choose not amend the policy, or provide different direction to staff to revise the attached policy.

FISCAL IMPACT/FUNDING SOURCE:

There are six City properties with flagpoles that can accommodate ceremonial flags in addition to the American Flag. The estimated cost to purchase 3 additional flags for each of this facilities is \$666.12. Additionally, flying ceremonial flags at these six facilities will result in approximately \$1,200 of staff time per year. The Public Works Department staff does not raise/lower flags at the fire stations, Senior Center, Sports Center or Public Safety. Should additional employees be needed for the raising or lowering of a flag, the cost will increase. If the Council wishes to amend the current flag policy, a budget amendment would be needed to cover these costs.

Code Compliance Approval Date:	NA
Department Head Approval Date:	NA
Finance Director Approval Date:	NA
City Attorney Approval Date:	NA
City Manager Approval Date:	07/01/2022

Attachments:

- 1. Council Policy for Outdoor Display of Flags at City Facilities – Red Lined Version



CITY OF ROHNERT PARK CITY COUNCIL POLICY

SUBJECT/TITLE:	POLICY NO:	APPROVED BY:	APPROVAL DATE:
DISPLAY OF FLAGS AT CITY FACILITIES	<u>1.01.015</u>	<input type="checkbox"/> RESO NO: _____ <input type="checkbox"/> MINUTE ORDER	

1. PURPOSE

The purpose of this policy is to standardize the manner in which the national, State, City and Ceremonial flags, as identified herein, are to be displayed at certain City of Rohnert Park facilities. The City's flagpoles are not intended to serve as a forum for free expression by the public.

Nothing set forth in this policy is intended to prohibit or curtail individuals from displaying a flag on private property under his or her control or to wear or carry a flag.

2. POLICY

Outdoor Display

The United States, State (“Bear”), City, Ceremonial, and Warning flags may be flown from separate staffs or may be flown from the same flag staff as follows:

- a. 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.
- b. When three or more flags are flown on the same staff, the United States flag shall be on top followed by the Bear Flag of the State of California, followed by City, Ceremonial or Warning flags.
- c. When three or more flags 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 (a) above).
- d. Flags should be displayed during regular business hours. Illuminated flags may be displayed 24 hours a day. Flags should not be flown in inclement weather.

City Council Chambers

The United States flag should be displayed on a staff in the position of honor on the right side of the City Council. Any State, City or Ceremonial flags should stand on the left side of the City Council. All flags should be on the same riser.

Flying Flags at Half Staff

- a. “Half-staff” is a style of flag display where a flag is flown approximately one-half the distance between the top and bottom of the staff.
- b. All flags displayed on City-owned property pursuant to this policy may be flown at half-staff on the following occasions:
 - i. By required order through proclamation by the President of the United States
 - ii. By required order through proclamation by the Governor of California
 - iii. Memorial Day, last Monday in the month of May



CITY OF ROHNERT PARK CITY COUNCIL POLICY

SUBJECT/TITLE:	POLICY NO:	APPROVED BY:	APPROVAL DATE:
DISPLAY OF FLAGS AT CITY FACILITIES	<u>1.01.015</u>	<input type="checkbox"/> RESO NO: _____ <input type="checkbox"/> MINUTE ORDER	

- iv. National Peace Officers Memorial Day each May 15th
- v. Periods of Local Mourning as determined by the City Manager or the Mayor which shall normally be limited to the day on which the funeral is held.

Ceremonial Flags

For purposes of this Policy, the term “ceremonial 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.

1. Unless previously approved by Council, ceremonial flags shall not be displayed on flag poles inside or outside City facilities.
2. Ceremonial flags shall be authorized for display for a period of time that is reasonable or customary for the ceremony or the subject to be commemorated, but no longer than thirty-one continuous days. If the Council authorizes more than two flags for one month, then each flag shall be displayed no more than fifteen days each.
3. Authorization for display is an expression of the City’s official sentiments, consistent with the City’s values. The City’s flagpoles are not intended to serve as a forum for free expression by the public.
4. Ceremonial flags will be flown in accordance with all applicable provisions of Federal and state laws.

The following ceremonial flags, as identified below, may be flown at City Hall-Facilities where flag poles large enough for two flags are readily available only during the time period specified. Flags need not be flown for the entire time period specified.

The following Ceremonial flags may be displayed by the City, below the United States flag, Bear flag and City flag, as an expression of the City’s official sentiments:

Pride Flag - The Ceremonial Pride flag may be displayed from June 1 through June 15 for one day during the month of June.



CITY OF ROHNERT PARK CITY COUNCIL POLICY

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National League of Families POW/MIA flag (which is recognized as a national symbol by Congress. (32 U.S.C. § 902.)) may be displayed on Memorial Day and -Veteran's Day.



Freedom Day or Juneteenth National Independence Day may be displayed from June 16 through June 30 on June 19 of each year or the closest weekday before June 19 if it falls on a weekend.





CITY OF ROHNERT PARK CITY COUNCIL POLICY

SUBJECT/TITLE:	POLICY NO:	APPROVED BY:	APPROVAL DATE:
DISPLAY OF FLAGS AT CITY FACILITIES	<u>1.01.015</u>	<input type="checkbox"/> RESO NO: _____ <input type="checkbox"/> MINUTE ORDER	

Warning Flags

Warning flags, designed to give notice to the public of hazards, may be displayed on flagpoles at Department of Public Safety facilities below where determined appropriate by the Director of Public Safety or designee. Such flags may include, but need not be limited to, the display of a “red flag” to designate the existence of Red Flag Warning issued by the National Weather Service, or flags to designate the likelihood of other extreme weather events.

Nothing in this policy limits the ability of City staff to erect flags, signs, or other warning devices at any other location where necessary to protect public health and safety.

Implementation

The Department of Public Safety is responsible for bringing the flag displays at the fire stations and police stations into compliance with this policy.

The Department of Public Works is responsible for bringing the flag displays at all other City facilities into compliance with this policy.

REVISION HISTORY:
<u>JULY 12, 2022</u>



CITY OF HEALDSBURG CITY COUNCIL AGENDA STAFF REPORT

MEETING DATE: May 17, 2021

SUBJECT: Proposed City of Healdsburg Flag Policy

PREPARED BY: Samantha Zutler, City Attorney

STRATEGIC INITIATIVE(S):
Provide Effective Governance

RECOMMENDED ACTION(S):

Adopt resolution authorizing policies for the outdoor display of governmental and non-governmental flags on City property.

COMMUNITY ENGAGEMENT/OUTREACH:

Not Applicable.

BACKGROUND:

Vice Mayor Jimenez requested this item be added to the agenda. The Council discussed the item at the March 15th, 2021 Council meeting.

DISCUSSION/ANALYSIS:

At the March 15th Council meeting, the City Council discussed adopting a flag policy, which would govern the flying of flags on flagpoles on City property. A flag policy serves the City by ensuring that all requests for flags to be flown are treated similarly.

Staff has prepared the attached policies (one for governmental flags; another for non-governmental flags) based on the Council's direction at the March 15th meeting.

A summary of the proposed governmental flag policy is as follows:

- On all official, City owned flagpoles, the City will regularly fly the flags of the United States and California. The City will fly a City flag in the event one is created.
- The City will fly the above flags at half-staff upon the death of:
 - A City Councilmember, past or present;
 - A current City employee;
 - A City retiree having served the City for 25 or more years; and
 - A person not holding or having held elected public office, whose

accomplishments and contributions to the community demonstrated a significant commitment to the Healdsburg community, as determined by the City Manager and the Mayor.

- Flags at half-staff shall be flown as soon as practicable following notification of the death, and usually for 48 hours.

A summary of the proposed non-governmental flag policy is as follows:

- Any person wishing for the City to display a Non-Governmental flag that is not on the “Approved Flags List” below must submit a request to the City Manager’s office at least 60 days in advance; the request must include a photograph and the dimensions of the flag, and the requested dates for it to be flown.
- The City Council will determine whether the request will be granted, denied, or granted in part.

Approved Flags List

The Non-Governmental Flags policy includes an Approved Flags List. Flags on this list will be flown every year, on the dates indicated in the policy, without additional Council approval. Staff requests direction as to which flags to include on this list. The draft policy includes Progress Pride Flag, and the POW flag, which is currently flown at the Police Department.

ENVIRONMENTAL STEWARDSHIP:

Not applicable.

ALTERNATIVES:

The Council could choose not to adopt a policy, or direct staff to revise the attached policy.

FISCAL IMPACT:

None.

ENVIRONMENTAL ANALYSIS:

Adoption of the policies is exempt from environmental review because adoption is not a project subject to the provisions of the California Environmental Quality Act (Public Resources Code Section 21000, et seq.).

ATTACHMENT(S):

Resolution
Proposed Flag Policy

CITY OF HEALDSBURG

RESOLUTION NO. -2021

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HEALDSBURG AUTHORIZING A POLICY FOR THE OUTDOOR DISPLAY OF GOVERNMENTAL AND NON-GOVERNMENTAL FLAGS ON CITY PROPERTY

WHEREAS, the City of Healdsburg desires to establish a uniform policy to govern the flying of the National, State, and City flags on City-owned properties at half-staff to pay homage to the deceased as outlined in Exhibit A; and

WHEREAS, the City also desires to establish a uniform policy to govern the display of non-governmental flags on specified City-owned flagpoles as outlined in Exhibit B.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Healdsburg as follows:

1. The City Council approves and authorizes the governmental and non-governmental flag polices as outlined in the attached Exhibit A and B.
2. If any action, subsection, clause or phrase of this Resolution or the policies in Exhibits A and B shall be held invalid or unconstitutional by a court of competent jurisdiction, such invalidity shall not affect the validity of the remaining portions of this Resolution or of the policies adopted by this Resolution that can be given effect without the invalid provisions.
3. Environmental Review. In accordance with Section 15061(b)(3) of the California Environmental Quality Act (CEQA) Guidelines, the City Council hereby finds that the adoption of this Resolution and its policies are not subject to CEQA because it can be seen with certainty that there is no possibility that they could have a significant effect on the environment.

PASSED and ADOPTED by the City Council of the City of Healdsburg, this 17th day of May 2021, by the following vote:

AYES: Councilmembers: ()

NOES: Councilmembers: ()

ABSENT: Councilmembers: ()

ABSTAINING: Councilmembers: ()

SO ORDERED:

ATTEST:

Evelyn L. Mitchell, Mayor

Raina Allan, City Clerk

Attachment: Resolution (3238 : City of Healdsburg Flag Policy)

EXHIBIT A

Policy on the Outdoor Display of Governmental Flags on City Property

Purpose

The purpose of this administrative policy is to establish a uniform policy to govern the flying of the United States, California, and City of Healdsburg flags (“Governmental Flags”) on City-owned flagpoles. The City’s flagpoles are not intended to serve as a forum for expression by the City, and not a forum for expression by the public.

Applicability

The City shall regularly fly, on official, City-owned flagpoles, the flags of the United States of America and the State of California. In addition, in the event one is created and approved by the City Council of the City of Healdsburg (“City”), the City may also fly the flag of the City of Healdsburg.

Half Staff

National flags and/or the California flag on City-owned property shall be flown at half-staff upon order of the President of the United States, or authorization by the Governor of California or the City Council of the City.

National, California, and/or City flags on City-owned property may also be flown at half-staff upon the death of:

- A City Councilmember, past or present;
- A current City employee;
- A City retiree having served the City for 25 or more years; and
- A person not holding or having held elected public office, whose accomplishments and contributions to the community demonstrated a significant commitment to the Healdsburg community, as determined by the City Manager and the Mayor.

In the above circumstances, flags will be flown at half-staff as soon as practicable following the notification of a death, and will ordinarily be continued for 48 hours.

Nothing set forth in this Policy is intended to prohibit or curtail individuals from displaying a flag on private property under his or her control or wearing or carrying a flag. City employees must comply with City policy.

EXHIBIT B

Policy on the Outdoor Display of Non-Governmental Flags on City Property

Purpose

The purpose of this administrative policy is to establish a uniform policy to govern the flying of flags other than the National, California and/or City flag (“Non-Governmental Flags”) as an expression of the City’s official sentiments on City-owned flagpoles. The City’s flagpoles are not intended to serve as a forum for free expression by the public.

Procedure

Any person wishing for the City to display a Non-Governmental flag that is not on the “Approved Flags List” below must submit a request to the City Manager’s office. Requests should be submitted at least 60 days in advance of the first date on which the flag is requested to be flown. The request must include a photograph and dimensions of the flag, and the dates on which the flag is requested to be flown. The City Council shall determine whether the request will be granted, denied, or granted in part.

If the request is approved, the City shall display the flag as determined by the City Council. If the request is not approved, it shall be deemed to have been denied and shall not be reconsidered for a period of six (6) months. The City Council’s determination shall be final and not subject to appeal.

Unless otherwise noted herein, or approved by the City Council, Non-Governmental flags shall only be flown at City Hall and, when raised, shall replace the flag of the State of California, not the flag of the United States.

Nothing set forth in this Policy is intended to prohibit or curtail individuals from displaying a flag on private property under his or her control or wearing or carrying a flag. City employees must comply with City policy.

Approved Flags List

The following flags are approved for the following locations and time periods. The City Council may update this list at its discretion.

Flag	Location	Time Period
Progress Pride Flag	City Hall	June 1 – June 30
POW Flag	Police Department	Year-round

Attachment: Proposed Flag Policy (3238 : City of Healdsburg Flag Policy)

City Council Policy 2023-XX

Council Recognition of Individuals, Organizations and/or Events

Policy Purpose

This policy is designed to establish consistent criteria and procedures for official City Council recognition of individuals, organizations, and/or events and to recognize the contributions to the City from individuals, groups and organizations.

Policy Statement:

It is the policy of the City to recognize noteworthy contributions and achievements of individuals and organizations through letters, proclamations, and resolutions in accordance with the criteria contained in this policy, and at the discretion of the Mayor or the City Council where noted. These forms of recognition are not intended for partisan, commercial or narrow individual purposes; as such purposes are inconsistent with the overall policies of the City Council.

1. Letter of Recognition

A Letter of Recognition is used to acknowledge individual or group achievement or contributions to the community, or to recognize a noteworthy event or occasion. Letters of Recognition are also prepared for outgoing members of City Council, Planning Commission and City Council appointed committee members that have served for less than two terms (less than 8 years continuously) in good standing. All letters are signed by the Mayor only.

Letters of Recognition on behalf of the entire City Council do not require City Council approval and are issued at the discretion of the Mayor provided that the receiving individual or group does not represent views or opinions contrary to established City Council policy or positions. Individual Councilmembers may request through the Mayor that letters be prepared and issued by the City.

2. Proclamations (Ceremonial Resolutions)

Proclamations are also reserved for accomplishments and/or events of significant importance to the community. Proclamations (Ceremonial Resolutions) are less formal than official Resolutions of the City Council. Proclamations are presented at City Council meetings at the designated place in the agenda, but do not require formal vote or action by the City Council and are not numbered and filed by the City Clerk. Proclamations are used for various forms of recognition, including:

- A. Recognition of individuals and organizations whose contributions and achievements have community-wide significance.
- B. Recognition of Cotati residents on the occasion of their 100th birthday.
- C. To call public attention to a significant community event, service or cause.

- D. To highlight a special period of observance, celebration, or recognition for community, regional, state, or national occasions.

All requests, including the proposed text, for Proclamations must be directed to the City Manager's office for review and placed on the agenda consistent with the process in the current City Council Rules. A copy of each Proclamation is maintained in the City Manager's office.

The Mayor ~~shall determine whether a proclamation is read in its entirety at the City Council meeting, or only the proclamation title and what is proclaimed~~ may assign the proclamation reading to another City Council member at a City Council Meeting. The City Council member requesting the proclamation shall work with the City Manager's office to arrange for a representative to receive the proclamation at the appointed City Council meeting.

3. Formal Resolutions

A formal Resolution of recognition or appreciation is the highest Council honor reserved for individuals and organizations that have made extraordinary, lasting, and significant contributions to the community, including City Council, commission and City Council appointed committee members that have served for two terms or longer (8 years or more continuously) in good standing.

All requests, including the proposed text, must be requested through the Mayor and placed on the agenda consistent with the process in the current City Council Rules. Formal resolutions are approved by action of the City Council at a Council meeting.

4. Display of Flags

The flagpole in front of City Hall maintains an outdoor display of the United States flag and the California State flag, as well as the ability to display a third commemorative flag.

- A. Conformance with Federal and State Regulations. 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 California Government Code section 430 et seq., and this Policy.
- a. Per California Government Code section 431(a), the Flag of the United States and the Flag of the State of California shall be prominently displayed upon or in front of public buildings of the City.
 - b. Per California Government Code section 434.7, any Flag of the United States or Flag of California that the City purchases must be made in the United States.
 - c. The United States Flag may only be flown at half-staff in accordance with the guidelines set forth at <https://www.usa.gov/flag>. The State of California Flag shall be flown at half-staff if the United States Flag is flown at half-staff.
- B. Commemorative Flags at City Hall. A commemorative flag is any flag other than the United States Flag or the State of California Flag. The display of commemorative flags constitutes official governmental speech. The display of commemorative flags

serves solely as an expression of the City's official sentiment and shall not create or serve as a forum for public expression.

- a. At a noticed and agenda City Council meeting, a majority of Council Members must agree to display a commemorative flag through a resolution or affirmative vote. The annual schedule for commemorative flags is typically approved by the City Council once per year to ensure coordination for the following 12 months. 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.
- b. 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 must be the same size or smaller than the United States and California flags that are flown and must be below the California flag. The City will not be responsible for the condition of the commemorative flag once flown.
- c. Commemorative flags shall be displayed for a period of time that is reasonable or customary, but no longer than thirty-one (31) continuous days.
- d. If any other flag is flown at half-staff, the commemorative flag will also be flown at half-staff.
- e. A "commemorative flag" shall be consistent with the City's vision, mission and priorities. The following are not allowed as Commemorative Flags and will not be considered by the City Council:
 - i. Flags of a particular religious movement or creed to avoid the appearance of City government endorsing religion or a particular religious movement or creed;
 - ii. Flags of a political party to avoid the appearance of City government endorsing a political party; and
 - iii. Flags advocating a certain outcome in an election.

C. Flag Raising Ceremonies

- a. Authorization. The City Council approves a City of Cotati Commemorative Flag calendar through a resolution or affirmative vote. The City Council will also designate by resolution or affirmative vote which, if any, commemorative flags will also include a flag raising ceremony and designate the lead City Councilmember (Organizing Lead). The ceremony does not authorize expenditure of public funds outside of the listed City Staff Support provided in this policy, unless explicitly included in the City Council's² authorizing motion.
- b. Ceremony Logistics. ~~The Mayor is the organizing lead for flag raising ceremonies or if unavailable, the Vice Mayor (Organizing Lead). The Organizing Lead may also select a delegatee from among the City Council to assist and shall inform the City Manager of the delegatee.~~ The Organizing Lead will coordinate with the City Manager's office to set the date and time of the ceremony, and be the lead for event coordination, including inviting speakers and, providing any requested event information for public marketing. The Organizing Lead shall also inform

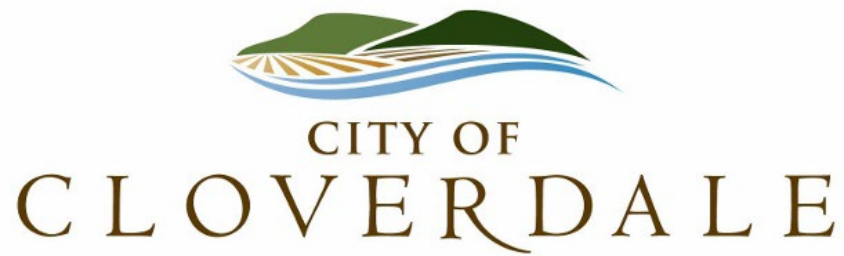
the City Manager as soon as possible of any potential public safety issues as they become known.

~~Any vendor assisting with, providing food to, or performing at the event will be required to sign a hold harmless agreement and may require insurance (depending on scope of activity). If food is served, it must be pre-wrapped. The Organizing Lead must coordinate all decorations, food servers, tablecloths, napkin, utensils and clean-up crew to ensure proper trash disposal. Information tables may not sell any product, wares, or memberships. The Organizing Lead is responsible for event clean-up, except for City supplied materials.~~

- c. Ceremonies. Flag Raising Ceremonies are outdoor events held ~~in~~ in front of City Hall (201 West Sierra Avenue). Ceremonies are limited to one hour maximum and can accommodate approximately 30 people. Flag raising ceremonies can only be scheduled during normal City Hall working hours, at a date and time available to be supported by City staff.
- d. City Staff Support. City staff will support flag raising ceremonies with the following services, if requested by the Organizing Lead:
 - Obtain flags.
 - Conduct the flag raising.
 - Provide a Podium.
 - Provide up to two tables.
 - Simple sound system (speaker's handheld microphone and speakers)
 - Police security, as needed.

Unless authorized by the City Council, the Organizing Lead shall arrange for all other ceremonial elements.

No seating will be provided. City staff will set up and remove all City provided materials and equipment. The City Manager's Office will provide public notice of the event through posting on the City's website and social media channels prior to the event. No physical flyers will be produced by the City.



Outdoor Display of Flag Policy

Amended and Restated January 24, 2024



OUTDOOR DISPLAY OF FLAGS POLICY

1. Background

The Cloverdale City Council desires to establish a policy regarding (1) the display of the United States Flag, and the California State Flag; and (2) the display of commemorative flags at the Civic Center and City Green. In adopting this policy, the City Council declares that the City of Cloverdale's flagpoles are not intended to serve as a forum for free expression of the public, but rather for the display of Federal, State, and any commemorative flag as may be authorized by resolution of the City Council as an expression of the City Council's official sentiments. Requests by Councilmembers for commemorative flags must follow Council policies for placing items on Council meeting agendas.

2. Purpose and Scope

The purpose of this Policy is to establish guidance for the outdoor display of flags at City Facilities, including the display of commemorative flags. The Outdoor Display of Flags Policy may be referenced to herein as "this Policy." Nothing in this Policy is intended to control the City's indoor display of flags, including commemorative flags, within City Facilities.

3. Definitions

The following definitions shall apply to this Policy:

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

"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.

"Commemorative Flag" means any flag other than the U.S. Flag or the California Flag.

4. Standards

Flags shall be displayed in accordance with Federal and State statutes, including, but not limited to, Title 4, Chapter 1 of the United States Code and Sections 430 through 439 of the California Government Code, and this Policy.



5. Displaying the U.S. Flag, California Flag, and City Flag.

5.1 No other flag shall be placed above the U.S. Flag and no other flag shall be larger than the U.S. Flag. Other flags may be flown at the same height and in the same size, in accordance with this Policy. Where both the U.S. Flag and the California Flag are flown, they shall be of the same size.

5.2 Flags should be hoisted briskly and lowered ceremoniously. The U.S. Flag should be hoisted first and lowered last.

5.3 Flags shall be displayed during operating hours on all days on which the City is open for business, and on national and state holidays. Flags may be displayed twenty- four (24) hours a day as long as they are illuminated during darkness.

5.4 Flags shall not be displayed during inclement weather. However, all-weather flags may be displayed twenty-four (24) hours a day as long as they are illuminated during darkness.

5.5 The City shall display the U.S. Flag and the California Flag at City Facilities. The U.S. Flag shall be displayed in the first position of honor. The California State Flag shall be placed in the second position of honor.

5.6 The City Flag shall be flown on the City's Commemorative Flagpole. All authorized Commemorative Flags shall be flown below the City Flag on the Commemorative Flagpole.

6. Displaying Commemorative Flags

6.1 The City's flagpoles are not intended to serve as a forum for free expression by the public. The City shall display commemorative flags only if authorized by the City Council as an expression of the City Council's official sentiments. Any such authorization shall be given at a duly noticed meeting of the City Council.

6.1.1 The City Council shall only consider a request to display a commemorative flag if the request is made by a member of the Cloverdale City Council or through an application process established by the City Council. Requests by Councilmembers for commemorative flags to be added or removed must follow Council policies for placing items on Council meeting agendas. The City Manager shall maintain a list of all approved Commemorative Flags, in addition to those listed in Section 6.1.2.



6.1.2 Current Commemorative Flags approved by the City Council include:

Flag	Location	Time Period
Children’s Memorial Flag	Commemorative Flagpole in front of Hall	April 1 – April 30
Pride Flag	Commemorative Flagpole in front of City Hall	June 1 – June 30
Sons & Daughters of Pearl Harbors Survivors flag	Commemorative Flagpole in front of City Hall	December 1 – December 30

6.2 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 thirty-one (31) continuous days, unless City Council expressly authorizes a longer period in accordance with this Policy and to the extent, such display does not conflict with Federal and State laws.

6.3 Commemorative flags shall be displayed exclusively on the Commemorative Flagpole located in front of City Hall and shall not be displayed on flagpoles at Police Station, Public Works Corporation Yard, Library, City Park, or Senior Center unless an alternative location is approved by the City Council.

6.4 If a Commemorative flag is approved for display by the City Council on another city flagpole other than the Commemorative Flagpole located in front of City Hall, it shall be displayed in the last position of honor.

7. Displaying Flags at Half-Staff

7.1 Only the U.S. President or Governor of California can order the U.S. Flag or California State Flag to fly at half-staff. It shall be City custom to follow the lead of the federal and state governments when the President and/or Governor orders the flags to be flown at half-staff.


7.2 Whenever the U.S. Flag is flown at half-staff, all displayed flags shall also be flown at half-staff. When lowering a flag to half-staff, the flag shall first be hoisted to its peak for an instant and then lowered to half-staff. At the end of the day, the flag shall again be raised to its peak before being lowered for the day.



STAFF REPORT

TO: Mayor and City Council
FROM: Linn Walsh, Senior Management Analyst
SUBJECT: Flag Display Policy
DATE: March 20, 2023

Approved for Forwarding:



Todd A. Cusimano, City Manager

1 **Issue:** Resolution Establishing a Flag Display Policy.

2

3 **Recommendation:** Adopt the Resolution.

4

5 **Background:** The City of Mill Valley displays flags, most commonly the United States Flag, at
6 City facilities and on City property. Examples include flags flown from City flagpoles on City
7 property, flags displayed in public City of Mill Valley meeting rooms, and flags on official City
8 vehicles. However, the City does not have a policy regarding the display of flags, including the
9 United States Flag, State Flag or the display of commemorative flags.

10

11 **Discussion:** The display of commemorative flags on City property can raise First Amendment Free
12 Speech issues, depending on whether the flag is treated as private speech on public property or
13 government speech. Without a clear policy establishing rules for when the City chooses to display a
14 commemorative flag, a court might find that a flagpole or other City property is a “limited public
15 forum” under the First Amendment, which could limit the City’s ability to determine what
16 commemorative flags to display. Under the government speech doctrine, the City may advance its
17 own viewpoint without requiring it to accommodate the messages of others in the same forum. The
18 policy is designed to ensure that the City’s property where a flag may be displayed is reserved for
19 government speech.

20

ITEM 3

City Council Staff Report
Flag Policy
March 20, 2023

21 Staff has prepared a Resolution for Council consideration which adopts a policy outlining the
22 standards and procedures for the display of flags on City property, consistent with federal and state
23 law governing the display of the United States and State Flags. The policy ensures that the City
24 retains control of its property on which to display commemorative flags that express the City's
25 official sentiments.

26
27 The policy prohibits third-party requests for commemorative flag displays, and only allows for the
28 display of commemorative flags when the request is brought forth by a Council member and then
29 authorized by the Council by resolution as an expression of the City's official sentiments. The
30 policy also requires that the requestor supply the flag, should Council ultimately decide to support
31 the request.

32
33 **Fiscal Impact:** None.

34
35 **Attachments:**
36 1. A Resolution of the City Council of the City of Mill Valley Establishing the City of Mill
37 Valley Flag Policy

RESOLUTION NO. 23-__

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILL VALLEY ESTABLISHING THE CITY OF MILL VALLEY FLAG POLICY

THE CITY COUNCIL OF THE CITY OF MILL VALLEY HEREBY FINDS AND RESOLVES AS FOLLOWS:

SECTION 1. The City of Mill Valley displays the United States Flag and the California State Flag on City property.

SECTION 2. The City does not have a policy regarding the display of national or state flags, or the display of any commemorative flags.

SECTION 3. The City Council desires to establish a policy that provides guidance and standards for the display of flags at City facilities and on City property, including commemorative flags.

SECTION 4. The City Council does hereby adopt the Flag Display Policy attached hereto as Exhibit A.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Mill Valley on the 20th day of March, 2023, by the following vote:

- AYES:
NOES:
ABSENT:
ABSTAIN:

Jim Wickham, Mayor

ATTEST:

Hannah Politzer, City Clerk/Management Analyst III

