



City of Arts & Innovation

Inclusiveness, Community Engagement & Governmental Processes Committee

TO: HONORABLE MAYOR AND CITY COUNCIL DATE: DECEMBER 1, 2021

FROM: GENERAL SERVICES DEPARTMENT WARDS: ALL

**SUBJECT: ESTABLISH A POLICY FOR THE PROPER DISPLAY AND HANDLING OF
FLAGS AT CITY FACILITIES INCLUDING THE APPROVAL AND DISPLAY OF
COMMEMORATIVE FLAGS**

ISSUE:

Provide input and guidance regarding the establishment of a policy for the proper display and handling of flags at City facilities including the approval and display of commemorative flags

RECOMMENDATIONS:

That the Inclusiveness, Community Engagement & Governmental Processes Committee:

1. Provide input and guidance regarding establishing a policy for the proper display and handling of flags at City facilities and for the approval and display of commemorative flags; and
2. Direct staff to return to City Council for consideration of adoption of a resolution establishing a policy for the proper display and handling of flags at City facilities including the approval and display of commemorative flags.

BACKGROUND:

On August 4, 2021, the Inclusiveness, Community Engagement & Governmental Processes Committee (Committee) received a report and presentation from the General Services Department requesting input and guidance establishing a policy for the proper display and handling of flags at City facilities, and for the approval and display of commemorative flags. After discussion, the Committee requested that staff return to the Committee with clarification on the approval process to be used to display commemorative flags. In addition, the City Attorney was requested to provide clarification as to whether the City can legally restrict display of certain commemorative flags.

DISCUSSION:

Historically, the City of Riverside has displayed flags in conformance with Federal and State statutes which outline standards for the display of the flag of the United States, the State of California flag, and the City of Riverside flag. When properly displayed, flags are powerful symbols of our shared history, pride, principles and commitment to our nation, state and community.

The proposed flag policy establishes formal guidelines and procedures to handle and display the flag of the United States as well as the State of California flag and the City of Riverside flag, in accordance with Federal and State statutes and regulations, including but not limited to: United States Code Title 4, Chapter and California Government Code Section 430 et seq., and compliance with Public Law 94-344 “Federal Flag Code.”

The policy also provides guidelines and procedures pertaining to commemorative flags. A commemorative flag is a flag that identifies with a specific date, historical event, cause, or group of people. Under the proposed flag policy, commemorative flags may be displayed at City Hall and potentially other City facilities which may accommodate additional flag(s) upon City Council action, consistent with the City’s vision, mission and strategic plan.

The proposed flag policy establishes the order of the flag display and includes the requirement that, when a commemorative flag is added, it will be displayed in a position of honor following the aforementioned flags unless otherwise directed by the City Council and to the extent such protocol does not conflict with Federal or State law. Key points of the draft flag policy are outlined in the following sections.

Proper Flag Handling

1. Flags are to be raised and lowered by hand.
2. Flags are to be lowered slowly and with dignity.
3. The flag of the United shall be hoisted first and lowered last.
4. Flags must not touch the ground or anything beneath it.
5. When no longer in good condition, flags are to be destroyed in a dignified way, preferably by burning.

Proper Flag Display

1. Flags are to be flown from sunrise to sunset, unless properly illuminated.
2. Flags should not be displayed during inclement weather unless an all-weather flag is used.

Proper Placement of Flags

1. No flag or pennant may be placed above or to the right of the flag of the United States.
2. When displayed on a single pole, the order from top to bottom shall be the flag of the United States, the State of California flag, and if displayed, the City of Riverside flag, followed by a commemorative flag.

Flags Flown at Half-Mast

1. Flags may be flown at half-mast only by order of the President of the United States or the Governor of the State of California. Notifications to lower flags to half-mast will be sent via e-mail by the General Services Department.
2. The flag of the United States should be hoisted to the peak for an instant and then lowered to the half-mast position.
3. Before lowering the flag of the United States for the day, it should again be raised to the peak.
4. On Memorial Day, the flag of the United States will be flown at half-mast until noon only, then hoisted to top of staff.

Commemorative Flags Approval Process and General Guidelines

The Government Speech Doctrine, defined by the United States Supreme Court, establishes that a government organization, such as the City of Riverside, may advance its own expression without requiring viewpoint neutrality when the government itself is the speaker, so long as its expression does not show religious preference or encourage a certain vote in an election. If the City Council adopts a resolution to display a commemorative flag, the display of the commemorative flag would be an exercise in government expression, where the City is the speaker.

The City Council may authorize the display of commemorative flags as follows:

1. 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.
2. 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 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.
3. Members of the public may also submit requests for consideration of display of a commemorative flag online at GSFlagReq@riversideca.gov subject to the guidelines in the proposed flag policy. Staff will bring the request to City Council for consideration. If a majority of the City Council is in support, then staff will return to City Council at a subsequent meeting with a formal resolution. A majority of the City Council must vote affirmatively for said resolution.
4. The specific date, historical event, cause, or group of people being honored must be consistent with the City's vision, mission and ongoing and strategic priorities.
5. Commemorative flags must not be larger than the flag of the United States, the State of California flag, or the City of Riverside flag, and must be on the flagpole beneath the aforementioned flags when flown on the same staff.

6. No more than one commemorative flag may be displayed on a flagpole concurrently.
7. Commemorative flags may be displayed at City Hall and other City facilities which have multiple flagpoles and/or a flagpole tall enough to accommodate multiple flags.
8. Commemorative flags representing political organizations, for-profit organizations, or religious organizations shall be prohibited from being displayed at City facilities.
9. The City will not display a commemorative flag based on a request of a third party or to sponsor the expression from a third party.
10. 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, with the exception of Parks facilities which continuously display the Prisoner of War flag.

FISCAL IMPACT:

There is no fiscal impact associated with adoption of this resolution establishing a policy for the proper display and handling of flags at City facilities.

Prepared by: Carl Carey, General Services Director
Approved by: Kris Martinez, Interim Assistant City Manager
Approved as to form: Phaedra A. Norton, City Attorney

Attachments:

1. Presentation
2. Resolution
3. Exhibit A – Draft Flag Policy