



ESTABLISHING A POLICY FOR THE PROPER DISPLAY AND HANDLING OF FLAGS AT CITY FACILITIES

General Services Department

Inclusiveness, Community Engagement
& Governmental Affairs Committee

December 1, 2021

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BACKGROUND

Historically, the City of Riverside has displayed flags in conformance with Federal and State statutes.

- The Proposed Flag Policy establishes formal guidelines and procedures to handle and display the Flag of the United States, the State of California Flag and the City of Riverside Flag.
- The Proposed Flag Policy also provides guidelines pertaining to commemorative flags which identify with a specific date, historical event, cause, or group of people.



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BACKGROUND

On August 4, 2021, the Inclusiveness, Community Engagement & Governmental Processes Committee discussed:

1. Establishing a policy for the proper display and handling of flags at City facilities, and
2. Display of commemorative flags.

After discussion, the Committee requested staff return with clarification on:

1. Whether the City can legally restrict display of certain commemorative flags (content-based restriction); and
2. The approval process for display of commemorative flags.



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RESTRICTIONS ON COMMEMORATIVE FLAGS

The Government Speech Doctrine, as defined by the United States Supreme Court, establishes that government agencies may advance its own expression without requiring viewpoint neutrality when the government itself is the speaker, so long as the expression:

1. Does not show religious preference, or
2. Does not encourage a certain vote in an election.



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ANNUAL COMMEMORATIVE FLAGS APPROVAL PROCESS

Under the proposed flag policy:

1. In January of each year, City Council will consider the display of commemorative flags for the upcoming year.
2. 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.



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APPROVAL OUTSIDE THE ANNUAL REVIEW

Under the proposed flag policy:

1. In addition to the annual consideration, a Councilmember may, at any time during the year, suggest the display of additional flag(s) meeting the criteria of this policy.
2. 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 commemorative flag.



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PROCESS FOR PUBLIC REQUESTS

Under the proposed flag policy:

1. Members of the public may also submit requests online at: GSFlagReq@riversideca.gov
2. If the commemorative flag proposed complies with the Government Speech Doctrine, staff will bring the request to Council for consideration.
3. If supported by a motion approved by a majority of the Councilmembers, staff will return with a formal resolution authorizing display of the commemorative flag(s).



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CITY FACILITIES

Commemorative flags are primarily specific to City Hall:

1. Not all City facilities have multiple flagpoles,
2. Not all City facilities have flagpoles tall enough to accommodate multiple flags, and
3. Department budgetary considerations.
4. Exceptions: Dario Vasquez Park, Ismael Villegas Park and White Park currently display the POW/MIA flag, Hunt and Bonaminio Parks have multiple flagpoles.



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RECOMMENDATIONS

That the Inclusiveness, Community Engagement and Governmental Processes Committee:

1. Provide input and guidance regarding establishment of a flag policy.
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.



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