



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

General Services Department

City Council Meeting
January 17, 2023

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BACKGROUND

1. Historically, the City of Riverside has displayed flags in conformance with Federal and State statutes.
2. The proposed Flag Policy establishes formal guidelines to handle and display the Flags of the United States, the State of California and the City of Riverside.
3. The proposed Flag Policy also provides guidelines for display of commemorative flags which identify with a specific date, historical event, cause, or group of people.



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INCLUSIVENESS, COMMUNITY ENGAGEMENT AND GOVERNMENTAL PROCESSES COMMITTEE REVIEW

1. The Inclusiveness, Community Engagement and Governmental Processes Committee (Committee) reviewed and provided input on the draft flag policy at three meetings (August 4, 2021, December 1, 2021, and November 2, 2022).
2. Following discussion on November 2, 2022, it was moved by Chair Cervantes and seconded by Vice Chair Perry to refer the flag policy to Council for consideration.
3. The motion carried with Chair Cervantes and Vice Chair Perry voting aye, and Member Conder voting no.



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OVERVIEW OF DRAFT FLAG POLICY

Proper Flag Handling:

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



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OVERVIEW OF DRAFT FLAG POLICY

Proper Flag Display:

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



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OVERVIEW OF DRAFT FLAG POLICY

Proper Placement of Flags:

- No flag or pennant may be placed above or to the right of the United States flag.
- When displayed on a single pole, the flag order from top to bottom shall be United States, State of California, City of Riverside, then commemorative flag.
- If the City of Riverside flag is displayed, it must be the design approved by City Council on December 8, 2020.



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OVERVIEW OF DRAFT FLAG POLICY

Flags Flown at Half-Mast:

- 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.
- The United States Flag should be hoisted to the peak for an instant and then lowered to half-mast.
- Before lowering the United States flag for the day, it should again be raised to the peak.
- On Memorial Day, the United States flag will be flown at half-mast until noon only, then raised to the peak.



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COMMEMORATIVE FLAGS APPROVAL PROCESS

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.
2. After an initial agendaized discussion, staff will return to Council with a resolution supporting the City's display of the flag(s) chosen.
3. A majority of the City Council must vote affirmatively for said resolution



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COMMEMORATIVE FLAGS APPROVAL PROCESS

In addition to annual consideration:

1. A Council Member may at any time during the year suggest the display of commemorative flag(s).
2. Consideration would be a two-step process where on an agenda Council considers the request and if supported by a majority of the City Council, staff would return with a resolution.
3. A majority of the City Council must vote affirmatively for said resolution.



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COMMEMORATIVE FLAG GUIDELINES

1. The specific date, historical event, cause, or group of people being honored must be consistent with the City's vision, mission and strategic priorities.
2. Commemorative flags must not be larger than the flag of the United States, the State of California, or the City of Riverside flag, and must be on the flagpole beneath the aforementioned flags when flown on the same staff.



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COMMEMORATIVE FLAG GUIDELINES

1. No more than one commemorative flag may be displayed on a flagpole concurrently.
2. 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.



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COMMEMORATIVE FLAG GUIDELINES

1. Commemorative flags representing political organizations, for-profit organizations or religious organizations shall be prohibited from being displayed at City facilities.
2. 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.



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COMMEMORATIVE FLAG GUIDELINES

Commemorative flags shall be displayed for a period of time that is reasonable, but no longer than 30 continuous days.

- Exceptions: Parks Facilities and the Veterans Memorial Wall that continuously displays the Prisoner of War flag.



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SHURTLEFF V. CITY OF BOSTON

1. On May 22, 2022, the U.S. Supreme Court released a new ruling on the Government Speech Doctrine.
 1. The Supreme Court found that Boston's policy did not constitute government speech and therefore it violated the First Amendment when it rejected a flag.
 2. Significantly, Boston's policy did not involve review by it's Council and every flag request received was granted until the flag in question was rejected.



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SHURTLEFF V. CITY OF BOSTON

1. The Supreme Court continued to acknowledge the Government Speech Doctrine.
2. The City can still engage in government speech so long as the speech is adopted as an expression of the City.
3. A policy allows the City Council to retain control, decide which flag(s) are flown, and under which circumstances.
 1. This ensures that it is government speech and avoids First Amendment issues.



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STRATEGIC PLAN ALIGNMENT

Strategic Priority 5 – High Performing Government
Goal 5.5 – Foster a culture of safety, well-being, resilience, sustainability, diversity and inclusion across the City organization

Cross-Cutting Threads



Community Trust



Fiscal Responsibility



Sustainability & Resiliency



Equity



Innovation



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RECOMMENDATIONS

That the City Council adopt a resolution establishing a policy for the proper display and handling of flags at City facilities and for the approval and display of commemorative flags.

