

RESOLUTION 2020-061

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN PABLO APPROVING A POLICY ON DISPLAY OF FLAGS

WHEREAS, the City of San Pablo currently displays the United States Flag and the State of California Flag at the San Pablo City Hall and is constructing a new City Hall that has three flagpoles; and

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

WHEREAS, on April 20, 2020, the City Council added the following task to the Council Priority Workplan: *Civic Center Flag Display Policy*; and

WHEREAS, the City Council desires to establish a policy that provides guidance and standards 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; and

WHEREAS, in adopting this Policy, the City Council desires to reflect the dignity of the flags flown at City-owned or City-maintained facilities, as well as the role of the San Pablo City Hall as an inclusive gathering location and local symbol of government and democracy; and

WHEREAS, in adopting this Policy, the City Council declares that flags and flagpoles owned or maintained by the City of San Pablo are not intended to serve as a forum for free expression by the public, but rather as a nonpublic forum for the display of the United States, State of California, and City Flags, and any Commemorative Flag authorized by the City Council as an expression of the City Council's official sentiments (government speech); and

WHEREAS, in adopting this Policy, the City Council declares that the following flags should not be considered commemorative flags that can be displayed or flown on City owned or maintained flagpoles: 1) flags of a particular religious movement or creed to avoid the appearance of City government endorsing religion or a particular religious movement or creed; 2) flags of a political party to avoid the appearance of City government endorsing a political party; and 3) flags advocating a certain outcome in an election.

NOW, THEREFORE, BE IT RESOLVED the City Council of the City of San Pablo approves the Policy on Display of Flags, attached and incorporated as Exhibit A.

BE IT FURTHER RESOLVED that the foregoing recitations are true and correct, and are included herein by reference as findings.

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ADOPTED this 18th day of May 2020, by the following votes:

AYES:	COUNCILMEMBERS:	Pineda, Xavier and Cruz
NOES:	COUNCILMEMBERS:	Kinney and Pabon-Alvarado
ABSENT:	COUNCILMEMBERS:	None
ABSTAIN:	COUNCILMEMBERS:	None

ATTEST:

APPROVED:

/s/ LaTanya Fisher
LaTanya Fisher, Acting Deputy City Clerk

/s/ Arturo M. Cruz
Arturo M. Cruz, Mayor

CITY OF SAN PABLO POLICY ON DISPLAY OF FLAGS

I. **Purpose**

- A. The San Pablo City Council desires to establish clear guidelines regarding:
1. The indoor and outdoor display of the United States Flag, the California State Flag, and the City of San Pablo Flag at City facilities or City-owned or City-maintained flagpoles; and
 2. The indoor and outdoor display of commemorative flags at the San Pablo City Hall.
- B. In adopting this Policy, the City Council desires to reflect the dignity of the flags flown on flagpoles or displayed at City-owned or City-maintained facilities, as well as the role of the San Pablo City Hall as an inclusive gathering location and local symbol of government and democracy.
- C. In adopting this Policy, the City Council declares that flagpoles owned or maintained by the City of San Pablo are not intended to serve as a forum for free expression by the public, but rather as a non-public forum for the display of the United States, State of California, and City Flags, and any Commemorative Flag authorized by the City Council as an expression of the City Council's official sentiments (government speech).

II. **Policy**

- 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 sections 430 et seq., and this Policy.
1. 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 each public building of the City.
 2. 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.
 3. The United States Flag may only be flown at half-staff in accordance with the guidelines set forth <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 or on order of the Governor.
- B. City Facilities other than the San Pablo City Hall at 1000 Gateway Boulevard, San Pablo. At facilities that the City owns or maintains (other than facilities maintained by other governmental entities), there may be one flagpole where the United States Flag shall be flown and the State of California flag may be flown as described in Section II. If flags are displayed indoors, those flags are limited to the flag of the United States, State of California and City of San Pablo.

C. San Pablo City Hall at 1000 Gateway Boulevard, San Pablo.

1. There shall be three flagpoles at the San Pablo City Hall to fly the following three flags in the manner described below: Flag of the United States, Flag of State of California, and the Flag of San Pablo.
2. The City of San Pablo Flag shall fly at half-staff if either the United States of California Flag is at half-staff. The City Manager may order just the City of San Pablo Flag to fly at half-staff for no more than 7 (seven) days at the death of a current or former City Council Member or current City staff member or elected City Clerk or Treasurer.
3. Commemorative Flag
 - a. As expression of the City's official government speech, the City Council may authorize the display of a Commemorative Flag to fly below the City of San Pablo flag at the San Pablo City Hall flagpoles only.
 - b. The City Council shall only consider a request to display a Commemorative Flag if the request is made by a member of the San Pablo City Council and a majority of the City Council members agrees to place the discussion on the agenda for a regular or special City Council meeting. Requests to fly a Commemorative Flag by members of the public will not be considered.
 - c. At a noticed and agendized City Council meeting, a majority of Council Members must agree to fly the Commemorative Flag.
 - d. 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 (30) continuous days.
 - e. Commemorative Flags must be temporarily donated for the City's use and 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, California and San Pablo flags that are flown. The City will not be responsible for the condition of the Commemorative Flag once flown and may dispose of any Commemorative Flags not picked up within 30 days after it has been flown. The City will not purchase Commemorative Flags to fly on the City Hall flagpole.
 - f. If any other flag is flown at half-staff, the Commemorative Flag will also be flown at half-staff.
 - g. A Commemorative Flag as defined in this Policy shall mean a flag that identifies with a specific historical event, cause, nation or group of people that the City Council choses to honor or commemorate consistent with the City's 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.

III. **Procedures**

- A. No other flag shall be placed above the United States Flag and no other flag shall be larger than the United States Flag. Other flags may be flown at the same height and in the same size, in accordance with this Policy. Where both the United State Flag and the California State Flags are flown, they shall be of the same size.
- B. Flags should be hoisted briskly and lowered ceremoniously. The United States Flag should be hoisted first and lowered last.
- C. 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.
- D. Flags shall not be displayed during inclement weather, unless all- weather flags are used and are illuminated during darkness.
- E. When flags are displayed on a single pole, the order from top to bottom shall be: The United States Flag, the California State Flag, and, if displayed, the City of San Pablo Flag.
- F. When the flags are flown from adjacent flag poles, the United States Flag shall be flown at the highest point of honor, which is the furthest point to the left from the standpoint of the observer ("the flag's right"). In the case of the San Pablo City Hall, this shall mean facing the main doors of City Hall, the United States flag shall be flying from the farthest flagpole to the left away from the building and first seen as walking towards the building. The California State Flag shall be placed in the second position of honor, which is the next further flagpole to the left. The City of San Pablo Flag, if displayed, shall be placed in the third position of honor and closest to the building.
- G. When a flag is displayed at half-staff, it shall first be hoisted to the peak for a moment and then lowered to half-staff position. Before being lowered at the end of the day or when taken down, the flags shall again be hoisted to the peak for a moment and then fully lowered.