

RESOLUTION 2021-40

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN JUAN BAUTISTA
ADOPTING A POLICY ON THE DISPLAY OF FLAGS AT CITY FACILITIES**

WHEREAS, the City has flown a Commemorative Flag at City Hall without a Policy in place which has spurred citizen requests to display other Commemorative Flags at City Hall; and

WHEREAS, the City Council desires to put in place a Policy which allows it to control the flags that are displayed at City Hall and at other City facilities; and

WHEREAS, the City Council has received a report on the Constitutional and other legal requirements for policies on the display of flags at City Hall and other City facilities and has determined that the proposed Policy complies with Constitutional and other legal requirements.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED by the City adopts the below stated policy

PASSED AND ADOPTED by the City Council of the City of San Juan Bautista on this 13th day of July 2021 by the following vote.

AYES: Jordan, Flores, Freels, Freeman

NOES: None


ABSENT: Edge

ABSTAIN: None

ATTEST:



Trish Paetz, Deputy City Clerk



Mayor Leslie Q. Jordan

CITY OF SAN JUAN BAUTISTA POLICY ON DISPLAY OF FLAGS

I. Purpose

A. The San Juan Bautista 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 Juan Bautista Flag at City facilities or City-owned or City-maintained flagpoles; and
2. The indoor and outdoor display of commemorative flags at the San Juan Bautista 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 Juan Bautista 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 Juan Bautista 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 City Hall.** 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.

C. **San Juan Bautista City Hall.**

1. The flagpoles at City Hall may 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 Juan Bautista.

2. The City of San Juan Bautista Flag shall fly at half-staff if either the United States or California Flag is at half-staff. The City Manager may order such Flags 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 Flags.**

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 flags set forth in Paragraph 1 and 2, above.

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 Juan Bautista City Council, who asks 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 Juan Bautista 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:

h. 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 Juan Bautista Flag.

F. 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.