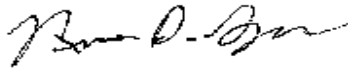


City of Calistoga

Staff Report

TO: Honorable Mayor and City Council
FROM: Richard Spitler
PREPARED BY: Lynn Goldberg, Planning & Building Director
DATE: March 4, 2014
SUBJECT: Potential Policy for Non-Governmental Flag Display

APPROVAL FOR FORWARDING:



Richard Spitler, City Manager

ITEM

Potential policy for the display of non-governmental flags on City property

RECOMMENDATION

Consider whether to direct staff to prepare a policy for City Council adoption

BACKGROUND

The City of Calistoga does not have an adopted policy regarding the locations or types of flags to be displayed on public properties, or associated guidelines, such as when flags are flown at half-staff.

The U.S. flag is displayed on numerous public properties, such as City Hall, the police station, the fire station and Pioneer Park. The California state flag is usually displayed in these locations on the same pole below the American flag. At the Veterans Memorial (Logvy Park), the U.S., State and POW/MIA flags are displayed on separate poles. The City's flag is only displayed at City Council and Planning Commission meetings.

At the May 7, 2013, City Council meeting, Scott Klinepier asked that the Calistoga City Hall display the rainbow flag in June in recognition of Gay Pride Month and to celebrate the openness of diversity in the Napa Valley. In response to Mr. Klinepier's request, Mayor Canning advised him that the matter would be taken up administratively. Councilmember Kraus stated that he was in favor of displaying the rainbow flag at City Hall but asked that proper flag etiquette be preserved. There were no other Council comments.

Mr. Klinepier subsequently provided a rainbow flag to the City and it was displayed on the City Hall flag pole (below the U.S. and State flags) for several days in June. After members of the public expressed concern about the flag being flown on an official City flag pole and without formal approval by the City Council, the flag was removed.

In order to avoid controversy in the future, there is a need for the development and adoption of a policy regarding the display of “non-governmental” flags on City property if the City wishes to allow them.

SURVEY OF REGULATIONS AND POLICIES

In addition to conducting a general Internet search, the following agencies were contacted regarding their policies on allowing “special recognition” flags to be displayed on public property:

- League of California Cities (legal section)
- Napa
- Berkeley
- Santa Cruz
- Santa Rosa
- Sebastopol
- West Hollywood
- San Francisco

The primary findings are as follows:

- There is no common practice followed by cities for the display of non-governmental flags.
- Only one city (West Hollywood) has an adopted policy, which stipulates where rainbow and POW/MIA flags may be displayed (on separate poles) and grants authority to the City Manager to display other governmental or non-governmental flags at times and locations, “in accordance with local custom, history or current events, or as may be deemed appropriate.”
- The City of Berkeley does not have an adopted policy, but allows councilmembers to request that a non-governmental flag be displayed on a city flag pole. The request is placed on the consent calendar of a council meeting. (An example request is the raising of the Tibetan flag in solidarity with the Tibetan people.)
- The City of Sebastopol does not have a written policy, and requires city council approval for a flag to be displayed on a city flag pole.

POLICY CONSIDERATIONS

Should the City Council decide to adopt a policy for the display of non-governmental flags on City property, consideration should be given to the following:

- Criteria for approval, such as flags related to:
 - Public awareness, such as presidential proclamations for “official national months” (e.g., Lesbian, Gay, Bisexual and Transgender Pride; Hispanic Heritage; Breast Cancer Awareness)
 - Non-profit organizations
 - Local cultural celebrations
- Criteria for denial, such as flags related to:
 - Promotion of profit-making ventures, products or entities
 - Matters of extreme political controversy, ideological or religious beliefs, or individual conviction
 - Events or organizations with no direct relationship to the City of Calistoga
 - Campaigns or events that the City finds demeaning or disrespectful
- Flag location, as to whether it would be displayed on the same pole as the U.S. flag or on a separate ceremonial pole
- An application process for a flag display request, including such information as the flag design, period of time displayed, the limitation of applicants to City residents, and a requirement that the person making the request must demonstrate that they have been selected to make requests on behalf of the group represented by the flag.
- The approval process for the request (e.g., City Manager, City Council, Mayor). Regardless of who approves the application, it could be placed on the Consent Calendar. Requiring support of the application by at least one councilmember (on the application form) would help to justify the request, if it were pulled from the Consent Calendar for discussion.

ALTERNATIVES

As an alternative to adopting a policy for the display of non-governmental flags or in addition to doing so, the City Council could:

- Adopt a policy of not allowing the display of non-governmental flags on public property. The Council could continue recognizing certain events by issuing proclamations.
- Not adopt a policy or establish an application process for the display of non-governmental flags, but allow City Council members to request approval of a flag

to be displayed on a case-by-case basis. The council member would submit a written justification for the request.

- Adopt a policy regarding the display of the U.S. and state flags – or the City flag - at half-staff to show respect for the death of a prominent member of the community or a City employee who dies in the line of duty (in addition to traditional federal and state directives, such as the death of a former president).