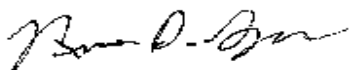


## City of Calistoga Staff Report

**TO:** Honorable Mayor and City Council  
**FROM:** Richard Spitler, City Manager  
**DATE:** June 3, 2014  
**SUBJECT:** Revised Flag Display Policies

APPROVAL FOR FORWARDING:




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Richard Spitler, City Manager

**ITEM:** Revised Policies for flag displays on City property.

1 **RECOMMENDATION:** Adopt attached resolution Rescinding Resolution No. 2014-25  
 2 and establishing revised policies for half-staff and non-governmental flag displays.

3 **BACKGROUND:** At its regular meeting on April 1, 2014, the City Council adopted  
 4 Resolution No. 2014-025 establishing policies about the display of governmental and  
 5 non-governmental flags on City-owned properties and flagpoles. This resolution  
 6 delegated authority to the Mayor to decide what non-governmental review should be  
 7 allowed to be displayed on behalf of the general public.

8 Upon further review by the City Attorney changes to the policy were suggested to  
 9 simplify administration of the policy related to flying flags at half staff and to use a  
 10 separate flagpole to express the official sentiments of the City which is not intended to  
 11 serve as a forum for free expression by the public.

12 **PROPOSED POLICIES:** The attached resolution contains the following:

13 **Exhibit A- Policy on Flying Flags on City Property at Half-staff flag**

14 The City Manager would be authorized to direct flags on City property to be flown at  
 15 half-staff under traditional federal and state directives, such as the death of a president.

16 The Mayor would be authorized to direct the City Manager to fly flags on City property at  
 17 half-staff to show respect for the death of a local citizen or City employee.

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21 **Exhibit B- Policy on the Display of Non-Governmental Flags on City Property**

22 This policy limits the request and decision to fly non-governmental flags (flags other  
23 than the National, California and City flag) to members of the City Council and not just  
24 the Mayor. The Council will consider these requests at an open and public meeting and  
25 can approve the display of the flag in conjunction with other official actions, ceremonial  
26 items or proclamations of the Council. So, for example, the City could issue a  
27 proclamation honoring area Red Cross Week and could approve flying of the Red Cross  
28 flag during the week of April 14th in recognition of the proclamation. These non-  
29 governmental flags will be displayed on a separate, ceremonial flagpole from the City's  
30 current poles, which are dedicated to flying governmental flags.

31 Under the new policy any council member can ask that a non-governmental flag be  
32 displayed. The decision to allow the flag to be flown would be decided by the City  
33 Council at public meeting. A member of the public wishing to fly a flag on the City's  
34 ceremonial pole could ask a Council Member to submit a request (or could ask the  
35 Council at a public meeting). The City Council would then decide by majority vote  
36 whether to approve or deny the request. The resolution does not prohibit a person to fly  
37 a flag on his or her own private property or wear or carry a flag.

38 Staff requests that the City Council rescind Resolution No. 2014-025 and replace it with  
39 the revised policies for the outdoor display of governmental and non-governmental flags  
40 on City-owned property and flagpoles as an expression of the City's official sentiments.

41 **ENVIRONMENTAL REVIEW:** The adoption of policies related to flag display is not a  
42 project that is subject to environmental review.

43 **FISCAL IMPACT:** If the display of "non-governmental" flags is allowed, it must be on a  
44 flag pole without the state and federal flag. Accordingly, there will be costs associated  
45 with the purchase and installation of a new pole. Staff understands that private funds  
46 are available to pay for this flag pole.

47 **ATTACHMENT**

48 1. Draft resolution

**RESOLUTION NO. 2014-XXX****RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CALISTOGA, COUNTY OF NAPA, STATE OF CALIFORNIA, RESCINDING RESOLUTION NO. 2014-025 AND REPLACING THE POLICIES FOR THE OUTDOOR DISPLAY OF GOVERNMENTAL AND NON-GOVERNMENTAL FLAGS ON CITY PROPERTY**

**WHEREAS**, the City desires to establish a uniform policy to govern the flying of the National, State and City flags on City-owned properties at half-staff to pay homage to the deceased; and

**WHEREAS**, the City also desires to establish a uniform policy to govern the display of non-governmental flags on specified City-owned flagpoles; and

**WHEREAS**, at its regular meeting on April 1, 2014, the City Council adopted Resolution No. 2014-025 establishing policies about the display of governmental and non-governmental flags on City-owned properties and flagpoles; and

**WHEREAS**, the City Council wishes to rescind Resolution No. 2014-025 and replace it with revised policies for the outdoor display of governmental and non-governmental flags on City-owned property and flagpoles as an expression of the City's official sentiments.

**NOW, THEREFORE BE IT RESOLVED**, by the City Council of the City of Calistoga, as follows:

1. Recitals. The recitals are true and correct and material to this Resolution.
2. Environmental Review. In accordance with Section 15061(b)(3) of the California Environmental Quality Act (CEQA) Guidelines, the City Council hereby finds that the adoption of this Resolution and its policies are not subject to CEQA because it can be seen with certainty that there is no possibility that they could have a significant effect on the environment.
3. Rescission. The City Council hereby rescinds Resolution No. 2014-025 in its entirety and replaces it with this Resolution.
4. Adoption of Policies. The City Council hereby adopts the policies on flying Governmental and Non-Governmental Flags as shown in Exhibits A and B, which are attached hereto and incorporated herein by this reference.
5. Severability. If any action, subsection, clause or phrase of this Resolution or the policies in Exhibits A and B shall be held invalid or unconstitutional by a court of competent jurisdiction, such invalidity shall not affect the validity of the remaining portions of this Resolution or of the policies adopted by this Resolution that can be given effect without the invalid provisions.

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**PASSED, APPROVED, AND ADOPTED** by the City Council of the City of Calistoga at a regular meeting held this **3<sup>rd</sup> day of June, 2014** following vote:

**AYES:**  
**NOES:**  
**ABSTAIN:**  
**ABSENT:**

\_\_\_\_\_  
**CHRIS CANNING, Mayor**

**ATTEST:**

\_\_\_\_\_  
**KATHY FLAMSON, Deputy City Clerk**

64 EXHIBIT A

65 **Policy on Flying Flags on City Property at Half-Staff**

66 Purpose

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68 The purpose of this administrative policy is to establish a uniform policy to govern the  
69 flying of the United States, California, and City of Calistoga flags (“Governmental Flags”)  
70 at half-staff on City-owned property to pay homage to the deceased. The City’s  
71 flagpoles are not intended to serve as a forum for free expression by the public.  
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75 Applicability

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77 1. National flags and/or California flags on City-owned property shall be flown at half-  
78 staff upon order of the President of the United States or authorization by the Governor  
79 of California, and on Memorial Day until noon.  
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81 2. National, California, and/or City flags on City-owned property may also be flown at  
82 half-staff at the direction of the Mayor upon the death of:

- 83 • A City Councilmember, past or present;
- 84 • A City employee whose death occurred during the discharge of duty;
- 85 • A City employee or retiree having served the City for 25 or more years; and/or
- 86 • A prominent citizen not holding or having held elected public office, whose  
87 accomplishments and contributions to the community clearly demonstrated a  
88 commitment over and beyond that which would be normally associated with the  
89 performance of work.

90 For the above circumstances, flags will be flown at half-staff as soon as practicable  
91 following the notification of a death, and will ordinarily be continued for 48 hours.  
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93 3. Nothing set forth in this Policy is intended to prohibit or curtail individuals from  
94 displaying a flag on private property under his or her control or to wear or carry a flag.  
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98 EXHIBIT B

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100 **Policy on the Display of Non-Governmental Flags on City Property**

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102 Purpose

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104 The purpose of this administrative policy is to establish a uniform policy to govern the

105 flying of certain flags other than the National, California and/or City flag (“Non-

106 Governmental Flags”) as an expression of the City’s official sentiments on City-owned

107 flagpoles which are not otherwise dedicated to the display of the National, California

108 and/or City flag (“Ceremonial Flagpoles”). The City’s flagpoles are not intended to serve

109 as a forum for free expression by the public.

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111 Applicability

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113 1. The Mayor and/or a member of the City Council may submit a request to the City

114 Manager in writing to display a Non-Governmental Flag on a Ceremonial Flagpole in

115 conjunction with official actions, ceremonial items, or proclamations of the City Council.

116 The request shall specify: (a) the type of flag to be displayed, (b) how display of the flag

117 would relate to a prior or proposed official action, ceremonial item or proclamation of the

118 City Council, and (c) the proposed time, place and manner of display. Upon receipt of

119 such a request, the matter shall be agendized for consideration by the City Council.

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121 2. Following consideration of a request, if the Council approves the request, either by

122 minute order or in conjunction with adoption of some other official action, ceremonial

123 item, or proclamation, the City shall display the requested Non-Governmental Flag on a

124 Ceremonial Flagpole at the time, place and manner so directed by the Council. If the

125 Council does not approve a request, it shall be deemed to have been denied and shall

126 not be reconsidered for a period of six (6) months.

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128 3. When a Ceremonial Flagpole is not displaying a Non-Governmental Flag, the City

129 flag may be flown upon the order of the City Manager, in his or her discretion.

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131 4. Nothing set forth in this Policy is intended to prohibit or curtail individuals from

132 displaying a flag on private property under his or her control or to wear or carry a flag.

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136 **END OF POLICY**