

Council Chairman Calouro re - consideration for amendments to flag
policy

TOWN CLERK'S OFFICE
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TOWN COUNCIL
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MEETING

Current policy adopted 7.1.2020

Town of Bristol Public Request Flag Policy

It is a policy of the Town of Bristol (Town) to raise the official Flag of the United States of America on the Town Hall flagpole and other municipally owned flagpoles. It is also policy of the Town to raise the flag of the State of Rhode Island and the Town of Bristol beneath the United States Flag per accepted flag etiquette.

The Bristol Town Council may allow third parties to fly flags on the Town Hall flagpole or other flagpoles owned by the Town in accordance with the following procedure:

1. Municipal flagpoles and flag-raising are forms of government speech. Accordingly, the Town, through the Town Council, has absolute and sole discretion to decide the content of any flag that is raised on a Town flagpole, in order for the message conveyed to appropriately reflect the values of the Town. See Shurtleff v. Boston, 928 F.3d 166, 172 (1st Cir. 2019).
2. Upon the receipt of a petition signed by 250 qualified electors of the Town, as verified by the Board of Canvassers, the Town Council shall entertain a petition to fly another federally recognized flag on a Town flagpole. Such federally recognized flag shall include the flying of a flag as provided in 36 USC 189a (POW/MIA flag) or the flag of an ally independent foreign state, dependency, or area of special sovereignty that is recognized by the U.S. Department of State. Because the federally recognized flag, when flown from a Town flagpole, will be considered the Town itself speaking, the Town Council may, at its sole discretion, grant or deny permission to fly the flag.
3. The federally recognized flag shall generally be flown only for a single 24-hour period, and such period will generally not be repeated more than once within any 12-month period. Federally recognized flags shall be flown underneath the Town of Bristol flag.
4. Such federally recognized flag may not exceed 15 square feet of area and must be provided to the Town, free of charge, by the petitioner(s) solely for this purpose. The flag must be a clean and serviceable flag that is sturdy enough to be flown on an outdoor flagpole in New England weather for at least 24 hours. The applicant must deliver the appropriate size flag to the Town Administrator's Office prior to raising and retrieve the flag from the Town

Administrator's Office after the raising. The Town will not be responsible for the flag, or any harm that comes to the flag, while it is in the possession of the Town. The Town is not responsible for flags that are not retrieved within 24 hours of being taken down from flying.

5. In requesting to fly a federally recognized flag, an applicant must include a description of the flag to be flown, a picture of the flag, the Town flagpole(s) sought to be utilized, the date requested for the flying of the flag, and whether a flag raising ceremony is requested.
6. At no time will the Town display flags (a) deemed to be inappropriate or offensive in nature; or (b) those supporting discrimination or prejudice; or (c) flags in support of a politician or a political party; or (d) flags supporting a particular religious denomination or that would be understood as constituting an establishment of religion under applicable court precedent.
7. If a flag raising ceremony is requested and approved, all flag raising ceremonies and events must be open to members of the public. Guests must adhere to Town policy not to discriminate on the basis of race, sex, religion, or any other class protected by law.
8. Flag raisings must ordinarily occur on a normal business workday, generally between the hours of 10:00 am and 3:00 pm. Requests to raise a flag on a Saturday, Sunday or holiday will normally be referred to the business day before or after the weekend or holiday.
9. If ordered by the Town Administrator, all flags, including the applicant's flag, must be lowered to comply with the U.S. Flag Code.
10. Applicants may be required to pay cleaning/custodial or other costs, as well as police detail fees or event permit fees, depending on the scale of any flag raising event.

11. Council Chairman Calouro re Town of Bristol Flag Policy

Parella/Sweeney - Voted unanimously to adopt this policy, changing the title to "Public Request Flag Policy" and to require 250 signatures rather than 100 signatures on any flag petition so noted in the policy.

Prior to the vote take, Council Chairman Calouro explained that this matter is before the Council in order to have something formal in place to aid the Council concerning flag requests in the future. He added that the policy was drafted with the assistance of Town Administrator Contente, Town Solicitor Ursillo and the Clerk.

A discussion ensued regarding the term "Federally recognized" with Assistant Solicitor Teitz explaining that examples of these would be the MIA flag and US Naval Ensign. He added that these may also include the flags of nations and territories recognized by the US Government.

Councilman Sweeney stated this is a "great policy" but suggested that the amount of required signatures was too low. He suggested that 500 signatures would be more appropriate.

Council Chairman Calouro stated that he would be comfortable with a larger number than 100.

Councilwoman Parella asked to know if the policy would impact the annual "Armenian genocide" memorial flag request and other requests that may be supported by legislative resolution.

Council Chairman Calouro stated that he believes this should be a policy with no exception and that this policy eliminates exceptions.

Councilwoman Parella asked to know why there would be a need for signatures when the allowable flags are narrowly defined.

Council Chairman Calouro explained the signatures would prove to the Council there was overwhelming support to allow the particular flag to be flown.

Councilman Ley suggested that the types of flags should be part of a larger dialogue. He also suggested that 250 signatures may be a better number to consider.

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Town Administrator Contente noted that this is for a third party request.

A discussion ensued with Council Chairman Calouro explaining that the Council determines which flag pole will hold the approved flag.

Councilman Ley asked to know if a Mt. Hope High School flag/banner would be allowed with Council Chairman Calouro explaining the Town may fly the Mt. Hope High School flag.

Assistant Solicitor Teitz suggested the policy be renamed to include the words "public request" to redefine the policy as "Town of Bristol Public Request Flag Policy."

Council Chairman Calouro noted that the policy may be amended by Council action in the future should the Council find the need to do so.