

**CITY OF LATHRUP VILLAGE
OAKLAND COUNTY, MICHIGAN**

**RESOLUTION #2025-17
DESIGNATING CITY FLAGPOLES AS NONPUBLIC FORUMS AND
PLATFORMS FOR GOVERNMENT SPEECH AND ESTABLISHING A FLAG
DISPLAY POLICY**

At a regular meeting of the City Council of the City of Lathrup Village, Oakland County, Michigan (the "City"), held on the 21st day of July 2025.

PRESENT: Garrett, Kantor, Jennings, Mannarino

ABSENT: Hammond

The following preamble and Resolution were offered by Mayor Pro-Tem Kantor and seconded by Jennings.

WHEREAS, the City of Lathrup Village owns and maintains flagpoles on city property, including but not limited to City Hall, for the purpose of displaying flags that convey the City's official messages and expressions; and

WHEREAS, the City intends to designate its flagpoles as nonpublic forums and platforms for government speech, reserving them for the City's own expressive purposes and limiting their use to specific flags that align with the City's official messages; and

WHEREAS, the City seeks to establish a clear and consistent policy governing the display of flags on city flagpoles to avoid creating a public forum and to ensure that all flags flown represent the City's endorsed messages; and

WHEREAS, the City recognizes the importance of maintaining control over its flagpoles to communicate messages of civic pride, historical significance, and

governmental purpose, while allowing limited flexibility to adopt additional flags as government speech on a temporary basis; and

WHEREAS, this resolution is intended to comply with applicable First Amendment principles, including those articulated in *Pleasant Grove City v. Summum* (2009) and *Shurtleff v. City of Boston* (2022), by clearly designating the flagpoles' status and establishing a policy for flag displays;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lathrup Village as follows:

Section 1: Designation of City Flagpoles as Nonpublic Forums and Government Speech

1. All flagpoles owned and maintained by the City of Lathrup Village on city property are hereby designated as **nonpublic forums** and platforms for **government speech**.
2. The City's flagpoles are reserved for the display of flags that convey the City's official messages, as determined by the City Council or its designated representatives.
3. The City does not intend to create a public forum, designated public forum, or limited public forum for private expression on its flagpoles. The display of any flag on city flagpoles constitutes government speech, reflecting the City's endorsed message.

Section 2: Policy Governing Flag Displays

- 1. Purpose:** The City establishes this policy to govern the display of flags on city flagpoles, ensuring that all flags flown represent the City's official messages and maintain the flagpoles as nonpublic forums.
- 2. Permissible Flags:** The City may fly the following flags on its flagpoles, each of which constitutes government speech:
 - a.** The flag of the United States of America, as previously flown on United States government properties.
 - b.** The flag of the State of Michigan, as previously flown at the Michigan State Capitol building.
 - c.** Any official flag of the City of Lathrup Village, including but not limited to the city flag or flags representing city departments or initiatives.
 - d.** Any flag that, within the last five years from the date of this Resolution, the City has flown on City owned flag poles, outside or inside City owned building, any flag Oakland County has flown outside of the Oakland County Executive and Courthouse complex in Pontiac , Michigan, any flag that the State of Michigan has flown on the flagpoles outside the State Capitol Building in Lansing, Michigan or any flag the US Government has flown on the flagpoles on or outside the White House in Washington D.C.. including but not limited to the POW/MIA flag, the Juneteenth flag, the Pan-African flag, the Pride or Progressive Pride flag.
- 3. Temporary Authorization of Additional Flags:**
 - a.** The City Council may, by resolution and issuance of a Proclamation,

authorize the temporary display of additional flags on city flagpoles for specific civic, historical, or cultural purposes, provided such flags are adopted as the City's own message and constitute government speech.

b. Any temporarily authorized flag must align with the City's official purposes, such as commemorating significant events, promoting civic pride, or recognizing historical or cultural milestones.

c. The Proclamation shall document the purpose, duration, and rationale for displaying any temporary flag, ensuring that such displays remain government speech and do not create a public forum.

d. Examples of temporary flags may include, but are not limited to, flags commemorating national holidays, state-recognized events, or city-sponsored initiatives, subject to City Council approval.

4. Flag Protocol

a. It is the policy of the City of Lathrup Village to correctly honor the flags displayed on City property in compliance with national and state protocols for flag display and etiquette.

5. Prohibited Uses:

a. City flagpoles shall not be used for the display of private flags, commercial flags, or flags representing individual organizations, groups, or causes, unless such flags are expressly authorized by the City Council as government speech under Section 2(3).

b. The City shall not accept or fly flags provided by private individuals or

groups unless the City Council adopts the flag as its own message through the process outlined in Section 2(3).

Section 3: Administration and Enforcement

1. The City Manager, or their designee, shall oversee the implementation of this policy and ensure compliance with its terms.
2. Any request to fly a flag not listed in Section 2(2) must be submitted in writing to the City Manager, who shall forward the request to the City Council for consideration under Section 2(3).
3. The City Council's decision to approve or deny a temporary flag display shall be based on the criteria in this resolution and shall be applied in a viewpoint-neutral manner.

Section 4: Severability

If any provision of this resolution is found to be invalid or unconstitutional by a court of competent jurisdiction, such provision shall be severed from the remainder of the resolution, which shall remain in full force and effect.

Section 5: Effective Date

This resolution shall take effect immediately upon its adoption by the City Council.

YEAS: Kantor, Jennings, Mannarino

NAYS: Garrett

ABSENT/
ABSTAIN Hammond

STATE OF MICHIGAN)

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COUNTY OF OAKLAND

I hereby certify that the foregoing is a true and complete copy of a Resolution adopted by the City Council of the City of Lathrup Village, Oakland County, Michigan at a regular meeting duly called and held on the 21st day of July, 2025, the original of which resolution is on file in my office, and that notice of said meeting was given, the meeting was held and the minutes filed in accordance with the Open Meetings Act, Act No. 267, Public Acts of Michigan, 1976, as amended.

Alisa Emanuel
City Clerk