

RESOLUTION NO. 2023-__

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ALTOS
(CITY OF LOS ALTOS FLAG RAISING POLICY)**

WHEREAS, The City of Los Altos displays the flags of the United States, California, and the City on poles located at certain City facilities City flag poles; and

WHEREAS, from time to time, members of the City Council, City commissions, or of the public propose raising other flags on public property, including to commemorate an event or occasion; and

WHEREAS, this policy is intended to create clear guidelines for the display of flags on City property; and

WHEREAS, this policy was adopted by a City Council on November 29, 2022 as a pilot program; and

WHEREAS, City staff received only two applications during the pilot period from a Council member to fly Progress Pride and Juneteenth flags, which were reviewed and approved by City Council.

NOW THEREFORE, BE IT RESOLVED, that the City Council of the City of Los Altos hereby adopts the policy attached hereto as **Exhibit 1**.

I HEREBY CERTIFY that the foregoing is a true and correct copy of a Resolution passed and adopted by the City Council of the City of Los Altos at a meeting thereof on the ____ day of ____, 2023 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Sally Meadows, MAYOR

Attest:

Melissa Thurman, CITY CLERK

EXHIBIT 1
LOS ALTOS FLAG POLICY

The flags of the United States, California, and the City may be flown on City property. The United States flag shall always be given precedence, and the flag of California shall be given precedence over the City's flag. The display of these flags shall comply with 4 U.S.C. § 1, et seq., and Government Code Section 430, et seq.

In addition to these flags, or in lieu of the display of the City's own flag, the City Council may authorize the display of other flags on City property, including to commemorate an event or occasion. Such authorization by the City Council shall take the form of a resolution, which shall include the following information:

- (1) The date or dates on which the flag shall be displayed and any locations in addition to City Hall where the flag shall be displayed;
- (2) A finding that the display of the flag constitutes government speech in that the particular message conveyed by the flag is a message that the City Council wishes to express on behalf of the residents of the City;
- (3) A statement describing the particular message conveyed by the flag and expressing the reason or reasons the City Council wishes to express that message on behalf of the residents of the City; and
- (4) A statement that the resolution is adopted pursuant to this policy and a statement of reasons why the adoption of the resolution is consistent with this policy.

Under no circumstances shall the City Council authorize the display of a flag that:

- (1) Proposes a consumer transaction;
- (2) Represents a group, organization, or movement that advocates the unlawful overthrow of the state or federal government;
- (3) Commemorates a rebellion against the federal government by the government of any state;
- (4) Advocates discrimination or intolerance against individuals on the basis of any classification specified in Civil Code Section 51;
- (5) Endorses or expresses a preference for any religious sect;
- (6) Advocates for or against a candidate for public office, a political party, or a ballot measure or proposition;
- (7) Is considered highly offensive to persons of average sensitivity within the community; or
- (8) Poses a real and substantial threat to public safety based on objective circumstances or criteria.

The City Council may consider authorizing the display of a flag pursuant to this policy referral of the entire Council on motion of any Councilmember made during the time reserved at regular City Council meetings for discussion of future agenda items, or at the recommendation of a commission of the City. The City Council may also consider

authorizing the display of a flag on application of a resident or community group, as follows:

- (1) The applicant shall complete a Commemorative Flag Flying/Raising Application, on a form to be created by the City Manager or designee; and
- (2) A full color picture of the flag (front and back) must be included with the completed application, and the dimensions of the flag must be specified.

City staff shall provide a recommendation to City Council for every application on whether the proposed flag or organization meets the above criteria listed 1 through 8 for a flag raising, which will allow City Council to make the final determination on the application.

The City Council shall not authorize the display of the same flag more than once per year, and if it approves an application from an individual or group within a particular calendar year, it shall not consider another application from that individual or group until the following calendar year. The City Council may condition its authorization to display a particular flag on the applicant's agreement to donate the use of a flag for that purpose. The flag must be a clean and serviceable flag with dimensions no larger than 4' x 6' that is sturdy enough to be flown on an outdoor flagpole for at least one week, and the City shall not be responsible for any loss or damage to the flag while in its possession. The flag must be collected by the applicant within two business days of removal or it may be discarded or destroyed by City staff.

At the time it authorizes the display of any flag, the City Council may also authorize a flag raising ceremony. Any such ceremony shall be open to the general public, subject to reasonable rules of decorum intended to avoid disruption and reasonable efforts by law enforcement to maintain public order in case of a lawful or unlawful protest occurring at or near the site of the ceremony. If the display of the flag has been authorized by the City Council on the application of a private individual or organization, then the City Council may condition authorizing a flag raising ceremony on the applicant's agreement to pay the costs of the ceremony and to coordinate or assist in the coordination of the ceremony; provided, however, that:

- (1) One or more representatives of the City shall be present at the ceremony, and at least one representative of the City shall speak at the ceremony on behalf of the City; and
- (2) City staff shall oversee the coordination of the ceremony and shall supervise and maintain ultimate control over the conduct of the ceremony.

Except as provided in this policy, no flags will be displayed on City property other than the flags of the United States, California, or the City. This policy is intended for the City's sole benefit, and nothing herein is intended to confer any legal right or privilege on any member of the public.

City of Los Altos requires all non-profit organizations or Los Altos residents interested in flying or raising a flag on a City of Los Altos flag pole to meet all the below guidelines and submit a completed application.

1. Applicant Guidelines

- a. A third-party organization or individual may apply to have the City raise a particular flag on one City flagpole located at specified City flagpoles.
- b. A commemorative flag under this policy means a flag that identifies with a specific date, historical event cause, nation or group of people, whereby the city honors or commemorates the date, event, cause, nation or people by flying the flags.
- c. Only commemorative flags that are consistent with the City's vision, mission, and ongoing strategic priorities, incorporating themes of diversity, equity, social justice and inclusion.
- d. At no time will the City of Los Altos display flags that pose a danger to public health or public safety, are deemed to be inappropriate or offensive in nature, support discrimination, prejudice or religious or political movements
- e. If a flag raising ceremony is requested and approved, all flag raising ceremonies must be open to all members of the public. Guests must adhere to the City of Los Altos policy not to discriminate on the basis of gender, race, religion, sexual orientation, or any other class protected by law.
- f. Organizations or individuals may request one flag flying/raising per calendar year. If the same or similar flag was previous flown by a different organization within the one-year period, the application will be denied.
- g. Approved Commemorative flags will be flown for no longer than seven calendar days and will be raised or removed on the first workday of the week.
- h. All flags on City flagpoles will be raised in accordance with the U.S. Flag Code and all applicable laws.

2. Application Procedure

- a. Applicant will complete the Commemorative Flag Flying/Raising Application Form.
- b. A full color picture of the flag (front and back) must be included with the completed application
- c. The flag must be a clean and serviceable flag with dimensions no larger than 4' x 6' that is sturdy enough to be flown on an outdoor flagpole for at least one week.

3. Review and Approval Process

- a. Applications will be reviewed by City staff for completeness.
- b. Approval of the commemorative flag is at the discretion of the City Council.
- c. If approved, the applicants must deliver the flag to the City Clerk's office at least three weeks in advance of the requested raising date.

4. Fee Guidelines

- a. Applicants may be required to pay cleaning/custodial or other costs, as well as police detail fees or special permit fees, depending on the scale of any flag raising event.

5. Pick Up Process

- a. After removal, flags can be picked up at the Municipal Services Center (707 Fremont Ave.).
- b. The City of Los Altos is not responsible for any harm that comes to the flag while it is flying or if not picked up within 48 hours of being removed.