



AGENDA REPORT SUMMARY

Meeting Date: November 29, 2022

Subject: Los Altos Flag Raising Policy

Prepared by: Anthony Carnesecca, Economic Development Administrator

Reviewed by: Jon Maginot, Assistant City Manager

Approved by: Gabriel Engeland, City Manager

Attachment(s):

1. Resolution No. 2022-XX Flag Raising Policy
2. City of Los Altos Flag Raising Application
3. Resolution No. 2022-XX Flag Policy

Initiated by:

City Council

Previous Council Consideration:

None

Fiscal Impact:

None

Environmental Review:

Not applicable

Policy Question(s) for Council Consideration:

- Does the Council wish to review flag raising requests and approve them on a case-by-case basis by using the proposed new policy and process?
- Does the Council wish to adopt a policy that will prohibit the use of its flagpoles for any flag other than the flags of the United States, the State of California, or the City of Los Altos?

Summary:

- City Council has historically reviewed flag raising requests on a case-by-case basis.
- The first proposed policy will create the process that allows third-party organizations to apply for a particular flag raised on specified City flagpoles.
- The second proposed policy will prohibit the use of its flagpoles for any flag other than the flags of the United States, the State of California, and the City of Los Altos.

Staff Recommendation:

City Manager

GE

Reviewed By:

City Attorney

JH

Finance Director

JD



Subject: Los Altos Flag Raising Policy

Approve either Resolution No. 2022-XX or Resolution No. 2022-XX.

Purpose

One resolution will create the process that allows third-party organizations to apply for a particular flag raised on specified City flagpoles. The other resolution will prohibit the use of its flagpoles for any flag other than the flags of the United States, the State of California, or the City of Los Altos.

Background

The City of Los Altos does not have a formal policy for determining what flags will be flown at any given time, so these requests have been approved on a case-by-case basis by the City Council.

City Council expressed an interest in creating a clear policy for raising flags on any City-owned flag poles.

Discussion/Analysis

The U.S. Supreme Court recently decided that the city of Boston’s flag raising policy was in violation of an applicant’s First Amendment right to free speech due primarily of sufficient guidance in the policy regarding selection of flags that the city would allow to be flown from city-owned flagpoles.

There are two options under consideration for the City of Los Altos to avoid similar challenges regarding unclear guidelines.

The first option is to formalize the current policy and to provide additional guidance in the policy. This policy allows City Council to review flag raising requests and approve them on a case-by-case basis. When a flag raising is approved, the City Council would be required to adopt the particular flag as government speech. Public agencies have the right to free speech on their own property, which means the City Council can convey any message or symbol as their own speech on their own property without opening it into a public forum.

The second option is to prohibit the use of its flagpoles for any flag other than the flags of the United States, the State of California, and the City of Los Altos. This option is the legally safest option.

Recommendation

The staff recommends adopting either Resolution No. 2022-XX or Resolution No. 2022-XX.