



TITLE: Flag Policy		POLICY NUMBER: 5-02
EFFECTIVE DATE: 10/19/16		PAGES: 3
ENABLING ACTIONS:	REVISED DATES: 9/4/18	
APPROVED:		

PURPOSE

This Policy establishes guidelines for the appearance and use of the Town flag and seal, the raising and lowering of flags on Town property, and the gifting or trading of the Town flag. It clarifies that flags displayed on Town property constitute official government speech and that Town-owned flagpoles are reserved for expressions of the Town’s adopted priorities, not for private expression. Commemorative flags may be approved by Council action only when the display advances a legitimate governmental interest consistent with the Town’s adopted strategic priorities and policies.

SCOPE

The Policy applies to all Town flags and Town seals as well as Town staff, volunteers, and residents managing flags flown on Town properties.

POLICY

TOWN FLAG

The official appearance of the Town flag shall feature the color Town seal, centered, on a white background. Directly below the seal shall read, in bold-faced, upper-case, dark green letters ‘THE GEM OF THE FOOTHILLS’.

1. Town Seal

The official Town seal shall be in a circular format with a golden outer ring. At the top of the outer ring, bold-face, upper-case, black letters shall read ‘TOWN OF’ while similarly written letters at the bottom read ‘LOS GATOS’. At the bottom and inside the outer ring, smaller,

TITLE: Flag Policy	PAGE: 2 of 4	POLICY NUMBER: 5-02
---------------------------	------------------------	-------------------------------

upper-case, regular-face, black letters read 'INCORPORATED 1887' against a white background. The central image features a golden sun radiating narrow golden rays against a white sky peaking out from behind dark and light green mountains. The foreground displays nine rows of dark and light green grape vines on light brown earth. Flanking each side of the central image are two large white cats outlined in black. The cats are modeled after those which guard the entrance to "The Cats" estate just south of Town, sculpted from cement by Robert Trent Paine in 1922.

There is also a black and white version of the color Town seal, which is acceptable for use.



LOWERING AND RAISING THE FLAG

The Town of Los Gatos will adhere to the United States Flag Code, along with the California Governor's and the Town of Los Gatos Mayor's discretion on flag status for all flags on Town property.

For background, Title 4, Section 7 of the United States Code describes the United States Flag Code and the President's authority. This Code specifies that only the President can order federal flags to half-staff. The Code also indicates that state governors have the authority to issue flag status proclamations. The Town will follow this Code and the Mayor's discretion when managing the Town's flag procedures.

1. Procedures

The Town flag may be gifted or traded upon approval from the Town Manager.

The procedures for lowering and raising flags on Town property are as follows.

- a. The Town Council will establish the Flag Policy. The Town Manager and his or her designee will provide direction for flag status, and act as the final authority for the application of the policy according to federal and state declarations.
- b. The Town Manager's Office is responsible for the day-to-day operation of administering direction for flag status.

TITLE: Flag Policy	PAGE: 3 of 4	POLICY NUMBER: 5-02
---------------------------	------------------------	-------------------------------

GOVERNMENT SPEECH AND USE OF TOWN FLAGPOLES

Flagpoles located on Town-owned property are reserved exclusively for official governmental expression and are not intended to serve as a forum for private or public expression. Any flag displayed pursuant to this Policy represents the official sentiments of the Town and constitutes government speech. Nothing in this Policy shall be interpreted to create a public forum or limited public forum for private expression, nor shall it be construed to grant any individual or organization the right to require the Town to display a flag. The Town retains full control and discretion over the selection, approval, and display of any flag flown on Town property.

1. Authorization

A commemorative flag may be displayed only when all of the following conditions are met:

- a. The display is initiated by a member of the Town Council.
- b. The display is approved by resolution of the Town Council at a duly noticed public meeting.
- c. The approving resolution expressly determines that the display constitutes government speech and relates to a legitimate governmental interest consistent with the Town's adopted strategic priorities and policies.

The Town Council retains sole discretion to approve or deny any proposed commemorative flag display.

2. Location

Commemorative flags may be displayed only at a single designated flagpole within the Town Hall complex. No other Town facility, building, park, street, or location shall be used for commemorative flag display.

3. Duration

The duration of any commemorative flag display shall be limited to a defined period stated in the approving resolution and shall not exceed thirty-one (31) consecutive days. Each commemorative flag display requires separate Council action and approval by resolution. Approval of a commemorative flag for one occasion does not obligate the Town to approve the same or any other flag in the future.

4. Precedence

At all times, the United States Flag and the California State Flag shall maintain precedence consistent with federal and state law. Any commemorative flag shall be displayed in a position subordinate to those flags.

TITLE: Flag Policy	PAGE: 4 of 4	POLICY NUMBER: 5-02
---------------------------	------------------------	-------------------------------

APPROVED AS TO FORM:

Gabrielle Whelan, Town Attorney