



**TOWN OF LOS GATOS  
COUNCIL AGENDA REPORT**

MEETING DATE: 2/17/2026

ITEM NO: 13

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DATE: February 17, 2025  
TO: Mayor and Town Council  
FROM: Chris Constantin, Town Manager  
SUBJECT: **Adopt a Resolution Authorizing the Display of the Progress Pride Flag at Town Hall During the Month of June 2026**

**RECOMMENDATION:** Adopt a Resolution authorizing the display of the Progress Pride Flag at Town Hall during the month of June 2026, consistent with the Town's amended Flag Policy permitting commemorative flags when initiated and approved by the Town Council by resolution and constituting government speech.

**FISCAL IMPACT:**

The fiscal impact is limited to the purchase of one Progress Pride Flag and routine installation. The estimated cost for the purchase should be under \$200, depending on size and material, and installation will be performed by existing staff. Funding will be absorbed within the adopted Fiscal Year 2025-26 operating budget. No additional appropriation is required.

**STRATEGIC PRIORITY:**

This action aligns with the Town Council Strategic Priority for 2025-2027 to ensure all residents and visitors feel a sense of belonging in Los Gatos.

**BACKGROUND:**

On December 16, 2025, the Town Council considered an agenda item regarding potential modification of the Town's Flag Policy to address commemorative flags. At the meeting, a motion was made to direct staff to return with a commemorative flag policy allowing the display of a commemorative flag and to bring forward a Progress Pride flag resolution. Additionally, an amended request was made for staff to research policies from other Santa Clara County cities. The motion passed by a vote of 4 in favor and 1 opposed.

**PREPARED BY:** Chris Constantin  
Town Manager

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Reviewed by: Town Manager, Assistant Town Manager, Town Attorney, and Finance Director

### **Results of Santa Clara County Policy Review**

Staff reviewed flag display policies from 10 Santa Clara County jurisdictions for which policy documents were obtained. Of the jurisdictions reviewed:

- **Five jurisdictions** have formalized Pride flag displays through Council resolution or an annual commemorative flag calendar, including Milpitas, Morgan Hill, Mountain View, San José, and Sunnyvale. In each case, display of the Pride or Progress Pride flag is authorized by formal Council action and is limited in duration and location.
- **Three jurisdictions** allow commemorative or ceremonial flags by Council resolution under a government speech framework, but do not establish automatic or standing Pride flag displays in their base policies. These cities included Gilroy, Los Altos, and Los Altos Hills. In these cities, any Pride flag display would require separate Council approval.
- **One jurisdiction**, Santa Clara, limits flag displays to governmental and narrowly defined ceremonial flags approved by resolution and does not establish an automatic Pride flag display in its base policy.
- **One jurisdiction**, Campbell, does not provide for commemorative flag displays on flagpoles but recognizes Pride Month through its Water Tower lighting policy rather than by raising a Pride flag.

The policies reviewed consistently affirm that municipal flagpoles are not public forums and that any commemorative flag display constitutes government speech. Where Pride flags are displayed, they are authorized by formal Council action, are limited in duration, and are displayed at designated civic locations, most commonly City Hall.

A separate item on the February 17, 2026, agenda amends the Town's Flag Policy to allow commemorative flags when initiated by a Councilmember and approved by resolution as government speech. Adoption of that policy amendment in the previous item establishes a consistent framework for Council consideration of specific commemorative flags as an element of government speech.

This item represents the culmination of the December 16, 2025, direction and presents the requested Progress Pride flag resolution for Council consideration.

#### **DISCUSSION:**

#### **Government Speech Framework**

Under the established First Amendment doctrine, including the United States Supreme Court decision in *Shurtleff v. City of Boston*, 596 U.S. 243 (2022), when a municipality selects and

displays flags on its own flagpoles, the display constitutes government speech rather than private expression, provided the municipality maintains control over the message conveyed.

The amended Flag Policy affirms that Town flagpoles are not public forums and are reserved for official governmental expression. This resolution expressly finds that the display of the Progress Pride Flag constitutes government speech and does not create a forum for private expression.

In executing the direction of the Council, **Attachment 1** provides direction and authorization to display the Progress Pride Flag. The Progress Pride Flag incorporates additional colors to the Pride Flag in a chevron pattern to emphasize inclusion of marginalized communities, including people of color and transgender individuals.

Through this resolution, the Town Council would determine that displaying the Progress Pride Flag during the month of June 2026 expresses the Town's commitment to inclusion, equity, and belonging and aligns with one of the Town's strategic priorities.

#### **Display of the Commemorative Flag**

If approved, the display will be at Town Hall, 110 E. Main Street, during the month of June 2026. The Progress Pride Flag will be displayed in a subordinate position consistent with the United States Flag Code and Town policy. Staff will obtain a compliant Progress Pride Flag, install and display the flag for the month of June 2026.

#### COORDINATION:

Not Applicable.

#### ENVIRONMENTAL ASSESSMENT:

This action constitutes an administrative activity and does not involve construction or physical changes to the environment. Under CEQA Guidelines section 15378(b), adoption of internal governmental policy and authorization of flag display is not a project. Alternatively, the action is exempt under CEQA Guidelines section 15061(b)(3), as it can be seen with certainty that no environmental impact will result.

#### CONCLUSION:

On December 16, 2025, the Town Council directed staff to return with a commemorative flag policy and a Pride flag resolution. The amended Flag Policy presented under a separate agenda item establishes a framework allowing commemorative flags when initiated and approved by the Council through formal resolution.

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**SUBJECT:** Resolution for the Pride Flag

**DATE:** February 17, 2026

Adoption of the attached resolution would authorize display of the Progress Pride Flag at Town Hall during the month of June 2026, as an exercise of government speech consistent with the amended policy and the Town's Strategic Priorities.

**ATTACHMENT:**

1. Resolution Authorizing Display of the Progress Pride Flag