



CITY OF ORLAND STAFF REPORT

MEETING DATE: October 7, 2025

TO: Honorable Mayor and Councilmembers

FROM: Scott Drexel, City Attorney

SUBJECT: **Flag Display on Walker St. and Policy for City Property**
(Discussion/Action)

SUMMARY:

This Agenda Item addresses a request from a community member to display Mexican flags in existing sidewalk holes along Walker Street during significant Hispanic holidays and seeks Council direction on establishing a formal flag display policy for City property.

DISCUSSION / ANALYSIS:

The City has received a request to display Mexican flags using existing sidewalk holes along Walker Street during Cinco de Mayo, Día de los Muertos, and Mexican Independence Day. These holes, drilled approximately 25 years ago with Caltrans permission, are currently used by the Orland Flag Society to display American flags on national holidays and other occasions without formal City oversight.

The flag display locations along Walker Street appear to be within Caltrans' right-of-way. Following the Supreme Court's decision in *Shurtleff v. City of Boston* (2022), municipalities must clearly establish whether flag displays constitute "government speech" or a "public forum." If treated as government speech, the City may exercise editorial discretion; if treated as a public forum, the City must remain viewpoint-neutral.

Many California cities have adopted formal flag policies declaring their flagpoles as government speech. The attached City of Manteca Flag Policy provides an example, limiting commemorative flags to seven days, requiring City Manager approval, and prohibiting third-party requests.

OPTIONS FOR DIRECTION:

Staff has identified four primary options for Council consideration: (1) refer all Walker Street flag requests to Caltrans as the controlling agency; (2) direct staff to develop a formal flag policy for City-owned property; (3) make a formal request for clarification and documentation to Caltrans regarding Walker Street; and/or (4) maintain the status quo.

Attachments:

- City of Manteca Flag Policy (example)