



RESOLUTION NO. 2025-XX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ORLAND ADOPTING A POLICY REGARDING THE DISPLAY OF FLAGS ON CITY PROPERTY AND CITY-MAINTAINED RIGHTS-OF-WAY

WHEREAS, the City of Orland ("City") owns and maintains various facilities and properties where flags are or may be displayed, including City Hall, other City facilities, and certain rights-of-way within the City; and

WHEREAS, the City desires to establish clear and consistent guidelines for the display of flags on City property and City-maintained rights-of-way; and

WHEREAS, in *Shurtleff v. City of Boston*, 596 U.S. 243 (2022), the United States Supreme Court held that municipalities must clearly establish whether flag displays on government property constitute "government speech" or a "public forum"; and

WHEREAS, the City Council desires to designate flagpoles on City property and City-maintained rights-of-way as forums for government speech rather than public forums for private expression, thereby maintaining the City's authority to control the messages conveyed through flag displays on its property; and

WHEREAS, the display of flags on City property is a form of government speech through which the City expresses its official sentiments, values, and messages to the community; and

WHEREAS, the First Amendment to the United States Constitution permits the government to speak for itself and to select the views it wishes to express through its own speech; and

WHEREAS, California Government Code Section 431 requires that the United States Flag and California State Flag be prominently displayed upon or in front of public buildings; and

WHEREAS, California Government Code Section 434.7 requires that any United States Flag or California State Flag purchased by the City be made in the United States; and

WHEREAS, the City Council finds it necessary and appropriate to adopt a formal policy to govern the display of flags on City property to ensure compliance with applicable laws, maintain consistency in flag displays, and avoid any appearance of favoritism or endorsement of particular viewpoints while respecting the dignity of flag displays; and

WHEREAS, the adoption of this flag display policy serves the public interest by establishing clear, viewpoint-neutral criteria for flag displays while maintaining the City's ability to express its official government messages through the flags it chooses to display.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Orland as follows:

SECTION 1. Recitals. The above recitals are true and correct and are incorporated herein by reference.

SECTION 2. Adoption of Flag Display Policy. The City Council hereby adopts the Flag Display Policy for City Property and City-Maintained Rights-of-Way, attached hereto as Exhibit "A" and incorporated herein by reference.

SECTION 3. Government Speech Designation. The City Council hereby declares and establishes that all flagpoles on City property and City-maintained rights-of-way are designated as forums for government speech and are not intended to serve as public forums for private expression.

SECTION 4. Implementation. The City Manager is hereby authorized and directed to take all actions necessary to implement this Flag Display Policy, including but not limited to:

- a. Ensuring proper display and maintenance of authorized flags;
- b. Coordinating with appropriate departments for flag procurement and installation;
- c. Establishing administrative procedures for the implementation of this policy;

SECTION 5. Supersession. This Resolution supersedes any prior resolutions, policies, or practices regarding flag displays on City property to the extent they are inconsistent with this Resolution and the attached Flag Display Policy.

SECTION 6. Severability. If any section, subsection, sentence, clause, phrase, or portion of this Resolution is held invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this Resolution.

SECTION 7. Effective Date. This Resolution shall take effect immediately upon adoption.

SECTION 8. Certification. The City Clerk shall certify to the passage and adoption of this Resolution and shall cause the same to be entered into the book of original resolutions.

PASSED AND ADOPTED by the City Council of the City of Orland at a regular meeting held on the ____ day of _____, 2025, by the following vote:

AYES:	Councilmembers:
NOES:	Councilmembers:
ABSENT:	Councilmembers:
ABSTAIN:	Councilmembers:

Matthew Romano, Mayor

ATTEST:

Jennifer T. Schmitke, City Clerk