

CITY OF ORLAND FLAG DISPLAY POLICY

EXHIBIT A TO RESOLUTION NO. 2025-____

I. PURPOSE AND INTENT

A. Purpose. The City of Orland ("City") hereby establishes this Flag Display Policy to provide clear and consistent guidelines for the display of flags on City property and City-maintained rights-of-way, while allowing limited recognition of significant historical events, causes, or commemorations through City Council-approved flag displays.

B. Government Speech Designation. The City Council declares that all flagpoles on City property and City-maintained rights-of-way are designated exclusively for government speech and do not constitute public forums for private expression. Through the display of flags, including any commemorative flags approved by the City Council, the City expresses its official governmental messages, values, and sentiments.

C. Constitutional Authority. This policy is adopted pursuant to the government speech doctrine recognized by the United States Supreme Court, which permits governmental entities to express their own views and messages without being subject to First Amendment restrictions that apply to the regulation of private speech.

D. Balanced Approach. This policy balances the primary display of official government flags with the ability to recognize, on a limited basis and through official City action, significant events or causes that the City Council determines merit commemoration.

II. APPLICABILITY

A. Covered Locations. This policy applies to all flag displays on:

1. City-owned buildings and facilities, including but not limited to City Hall, police and fire stations, parks and recreation facilities, and public works facilities
2. City-maintained rights-of-way where the City has authority to control displays
3. City-owned flagpoles in parks and other public spaces

B. Excluded Locations. This policy does not apply to:

1. Property owned or controlled by other governmental entities (federal, state, county, or special districts)
2. Rights-of-way under the jurisdiction of Caltrans or other agencies
3. Private property

III. PERMANENTLY AUTHORIZED FLAGS AND BANNERS

The following flags and banners may be displayed on City property and City-maintained rights-of-way without additional approval:

A. United States Flag. The flag of the United States of America, which shall be displayed in accordance with the United States Flag Code (4 U.S.C. §§ 1-10) and applicable federal law.

B. California State Flag. The flag of the State of California, which shall be displayed in accordance with California Government Code Sections 430-439.

C. City of Orland Flag. If adopted by the City Council, an official City of Orland flag may be displayed.

D. Prisoners of War/Missing in Action (POW/MIA) Flag. The POW/MIA flag may be displayed in accordance with applicable federal and state law.

E. City Event and Program Banners. Banners announcing or promoting City-sponsored events, programs, and activities may be displayed on City property and City-maintained rights-of-way, including on street light poles and other appropriate locations. Such banners constitute government speech and shall be approved by the City Manager or designee. Banners must relate to official City business, City-sponsored events, or programs in which the City is an official partner or sponsor.

IV. COMMEMORATIVE FLAGS

A. Definition. A "Commemorative Flag" means any flag that symbolizes a historical event, cause, nation, or group of people that the City Council chooses to honor or commemorate as an expression of the City's official government speech.

B. Location Restrictions. Commemorative Flags may only be displayed at City Hall flagpoles and shall not be displayed at other City facilities or on rights-of-way flagpoles.

C. Approval Process.

1. Only members of the City Council may request the display of a Commemorative Flag
2. Requests must be placed on a City Council agenda as a regular agenda item
3. The City Council must approve the display by majority vote at a noticed public meeting
4. Each approval shall specify the flag to be displayed, the duration of display, and the specific dates

D. Time Limitations.

1. Commemorative Flags may be displayed for a maximum of seven (7) consecutive days per approval
2. No more than six (6) Commemorative Flag displays shall be approved per calendar year
3. No single Commemorative Flag may be displayed more than once per calendar year

E. Prohibited Commemorative Flags. The following shall not be approved as Commemorative Flags:

1. Flags promoting or opposing any religion, religious movement, or religious doctrine
2. Flags advertising commercial activities, businesses, products, or services
3. Flags supporting or opposing political parties, political candidates, or ballot measures
4. Flags advocating for or against pending legislation or regulatory matters
5. Flags containing obscene, offensive, or inflammatory imagery or messages
6. Flags that would violate the Establishment Clause or any other constitutional provision

F. Display Standards for Commemorative Flags.

1. Shall not be larger than the United States Flag or California State Flag
2. Shall be displayed below all permanent government flags
3. Must be in good condition and made of weather-appropriate material
4. Only one Commemorative Flag may be displayed at a time

G. No Public Requests. The City will not accept or consider requests from the public for Commemorative Flag displays. This restriction maintains the government speech nature of flag displays.

V. DISPLAY STANDARDS AND PROTOCOLS

A. Order of Precedence. When multiple flags are displayed:

1. The United States Flag shall always be displayed in the position of highest honor
2. The California State Flag shall be displayed in the second position of honor
3. The City of Orland Flag, if adopted, shall be displayed in the third position
4. The POW/MIA Flag, if displayed, shall be displayed in the fourth position
5. Any approved Commemorative Flag shall be displayed below all permanent flags

B. Size and Condition Requirements.

1. No flag shall be larger than the United States Flag
2. When displayed together, the United States Flag and California State Flag should be of equal size
3. All flags must be clean, in good repair, and suitable for display
4. Worn or damaged flags shall be promptly replaced and retired respectfully

C. Time of Display.

1. Flags should normally be displayed from sunrise to sunset
2. Flags may be displayed 24 hours per day if properly illuminated during darkness
3. Flags should not be displayed during inclement weather unless all-weather flags are used

D. Half-Staff Displays.

1. The United States Flag shall be flown at half-staff in accordance with Presidential proclamations, federal law, and orders from the Governor of California
2. The California State Flag shall be flown at half-staff whenever the United States Flag is at half-staff
3. Any Commemorative Flag being displayed shall also be flown at half-staff when other flags are at half-staff
4. The City Manager may order flags to be flown at half-staff upon the death of a City official or employee

E. Raising and Lowering.

1. Flags should be raised briskly and lowered ceremoniously
2. The United States Flag should be raised first and lowered last
3. When displayed at half-staff, flags shall first be raised to the peak momentarily before being lowered to half-staff

VI. ADMINISTRATION

A. Responsibility. The City Manager or designee shall be responsible for:

1. Implementation and enforcement of this policy
2. Procurement and maintenance of authorized flags
3. Training staff on proper flag display protocols
4. Maintaining records of City Council approvals for Commemorative Flags
5. Ensuring timely installation and removal of approved Commemorative Flags
6. Coordination with other agencies regarding jurisdictional issues

B. Flag Procurement.

1. All United States and California State Flags purchased by the City shall be made in the United States in accordance with California Government Code Section 434.7
2. Commemorative Flags may be provided by requesting Councilmembers or purchased by the City
3. Donated flags must meet the quality standards in this policy

C. Maintenance. The Public Works Department shall regularly inspect and maintain all City flag displays to ensure compliance with this policy.

D. Records. The City Clerk shall maintain records of all City Council approvals for Commemorative Flag displays, including the specific flag, dates of display, and Council vote.

VII. RIGHTS-OF-WAY UNDER OTHER JURISDICTION

For flag displays in rights-of-way under the jurisdiction of Caltrans or other agencies, persons seeking to display flags must contact the appropriate agency directly. The City does not have authority to approve flag displays in areas outside its jurisdiction.

VIII. SEVERABILITY

If any provision of this policy is held invalid by a court of competent jurisdiction, the remaining provisions shall continue in full force and effect.

IX. AMENDMENTS

This policy may be amended by resolution of the City Council.

Adopted: _____, 2025