



**CITY COUNCIL MEETING
STAFF REPORT**

Meeting Date: January 19, 2023		Subject: Ordinance No. 874 – 2nd Reading Amending Wilsonville Code Section 6.150	
		Staff Member: Amanda Guile-Hinman, City Attorney	
		Department: Legal	
Action Required		Advisory Board/Commission Recommendation	
<input checked="" type="checkbox"/> Motion <input checked="" type="checkbox"/> Public Hearing Date: January 5, 2023 <input checked="" type="checkbox"/> Ordinance 1 st Reading Date: January 5, 2023 <input checked="" type="checkbox"/> Ordinance 2 nd Reading Date: January 19, 2023 <input type="checkbox"/> Resolution <input type="checkbox"/> Information or Direction <input type="checkbox"/> Information Only <input type="checkbox"/> Council Direction <input type="checkbox"/> Consent Agenda		<input checked="" type="checkbox"/> Approval <input type="checkbox"/> Denial <input type="checkbox"/> None Forwarded <input type="checkbox"/> Not Applicable	
		Comments: Diversity, Equity and Inclusion (DEI) Committee recommends approval proposed Flag Policy and adoption of amendments to Wilsonville Code Section 6.150.	
Staff Recommendation: Adopt Ordinance No. 874 on second reading.			
Recommended Language for Motion: I move to adopt Ordinance No. 874 on second reading.			
Project / Issue Relates To:			
<input type="checkbox"/> Council Goals/Priorities:	<input checked="" type="checkbox"/> Adopted Master Plan(s): DEI Committee Strategic Plan	<input type="checkbox"/> Not Applicable	

ISSUE BEFORE COMMITTEE:

Consider adopting revisions to Wilsonville Code (WC) Section 6.150.

EXECUTIVE SUMMARY:

The City of Wilsonville Flag Policy, approved at the January 5, 2023 Council meeting, will codify a framework for the City to display commemorative flags on City flag poles and in City facilities, among other regulations. In response to Council concerns from the September 8, 2022 work session, proposed revisions to Wilsonville Code (WC) 6.150 will prohibit the display of banners on City streetlights and other poles except for City-sponsored events. This Staff Report explains the background leading to the Flag Policy and the proposed revisions to WC 6.150 (Attachment 1).

A. Background

On August 9, 2022, staff brought a draft flag policy to the Diversity, Equity and Inclusion (DEI) Committee in response to the adopted Diversity, Equity and Inclusion Committee Strategic Plan (the “Plan”), and four other key considerations. These five (5) considerations are summarized below:

1. The Plan that the Council adopted via Resolution No. 2979 on July 18, 2022 includes a Strategic Action item of “Visual representation (flags, symbols, holiday decor on City property).”
2. In January 2022, the United States Supreme Court issued its decision in the matter, *Shurtleff v. City of Boston*, 142 S. Ct. 1583 (2022). That case involved a lawsuit brought against the City of Boston by a private organization when the city refused to display the organization’s self-described “Christian flag” on one of the city’s flag poles in its City Hall Plaza when the city allowed other groups and individuals to hoist a flag of their choosing on the particular flag pole. The Court found that the city did not shape or control the messages of previously allowed flags and did not have any written policies or internal guidance about what flags groups could fly on the City flag pole.
3. Currently, Wilsonville Code (WC) 6.150(2) allows persons who obtain a special event permit to display banners consistent with the regulations stated in WC 6.150(2). That section includes reference to a plan set out by the Public Works Department, which is currently a written internal banner policy that has not been updated since 2011.
4. The City has an internal banner policy for banners that may be placed on certain streetlights. This internal policy should be updated and incorporated into any overarching commemorative flag policy to provide one document for the City and the public to reference.
5. In December 2021, the League of Oregon Cities published its *Guide to the Public Display of Flags on Government Buildings*, which staff relied on to develop the draft City Flag Policy.

The DEI Committee proposed revisions to some of the language regarding the commemorative flag portion of the draft flag policy, among other proposed revisions.

On September 7, 2022, City Council held a work session on the draft flag policy. At that work session, Council directed staff to bring forward a revision to Wilsonville Code (WC) Section 6.150 in conjunction with the Flag Policy whereby the Code provision would limit banners that the City

allows on its streetlights and other (non-flag) poles to either City events or events that the City supports in some fashion.

Staff took the draft Flag Policy and proposed revisions to WC 6.150 (Attachment 1) to the DEI Committee at its September 13, 2022 meeting. The DEI Committee had no further suggested revisions to either document. Staff then presented the draft Flag Policy and proposed revisions to WC 6.150 to City Council at its November 7, 2022 work session. Council did not propose any further revisions.

On December 13, 2022, the DEI Committee voted to recommend the Council approve the flag policy and adopt the revisions to WC Section 6.150.

On January 5, 2023, the Council approved the Flag Policy via Resolution No. 3028 and adopted, on first reading, Ordinance No. 974 to amend WC Section 6.150.

B. Proposed Approval/Adoption

Since the Plan includes a Strategic Action item to increase visual representation in the City, staff and the DEI Committee recommend the adopt the proposed revisions to WC. 6.150 as provided in Ordinance No. 874.

EXPECTED RESULTS:

An adopted Flag Policy and revise WC 6.150 to codify a framework for the City to display commemorative flags on City flag poles and in City facilities.

TIMELINE:

Since Ordinance No. 874 requires two readings and a minimum of 30 days before it becomes operative, staff recommends that both Resolution No. 3028 and Ordinance No. 874 become operative on the same date – March 1, 2023.

CURRENT YEAR BUDGET IMPACTS:

N/A

COMMUNITY INVOLVEMENT PROCESS:

Staff sought feedback from the DEI Committee at its August, September and December 2022 meetings on the draft Flag Policy. At its December 2022 meeting, the DEI Committee recommended Council to approve the Flag Policy and adopt revisions to WC 6.150.

The Ordinance has also been properly noticed, consistent with WC Chapter 2.

POTENTIAL IMPACTS OR BENEFIT TO THE COMMUNITY:

As identified in the DEI Strategic Plan, flags can serve as visual representation of the City's mission and values. As identified in the 2021-23 City Council Goals, the Council identified the opportunity to continue supporting a focus on diversity, equity, and inclusion and to create an environment where people feel safe to engage.

ALTERNATIVES:

The City may decide to forgo a Flag Policy and choose not to display commemorative flags on City flag poles or in City facilities.

CITY MANAGER COMMENT:

N/A

ATTACHMENT:

1. Ordinance No. 874