

CITY OF
ANTIOCH
CALIFORNIA

STAFF REPORT TO THE CITY COUNCIL

DATE: Regular Meeting of February 11, 2020

TO: Honorable Mayor and Members of the City Council

SUBMITTED BY: Thomas Lloyd Smith, City Attorney *TLS*

SUBJECT: City of Antioch Flag Policy

RECOMMENDED ACTION

It is recommended that the City Council adopt the resolution approving the City of Antioch Flag Display Policy.

FISCAL IMPACT

There is no fiscal impact associated with this action.

DISCUSSION

The City of Antioch Flag Display Policy provides standard procedures for the display of flags at City facilities while promoting patriotism, inclusion, and pride in the City. The display of flags shall support the vision, mission, and objectives of the City and present the City in a positive and professional manner.

The purpose of City of Antioch Flag Display Policy is to establish that the flag of the United States of America, the California state flag, United States Armed Forces flags, the City of Antioch flag, and other flags approved by an adopted resolution of the Antioch City Council are welcome and authorized for display at City Hall and/or other City facilities.

ATTACHMENTS

A. Resolution

Exhibit A to the Resolution – City of Antioch Flag Display Policy

ATTACHMENT A

RESOLUTION NO. 2020-xx

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ANTIOCH
ADOPTING A POLICY FOR THE DISPLAY OF FLAGS AT CITY FACILITIES**

WHEREAS, the City of Antioch ("City") displays flags at City Hall and other City facilities in accordance with Federal and State law;

WHEREAS, displays of flags on the City's flagpoles express the City's official sentiments;

WHEREAS, the City of Antioch has not historically had a comprehensive policy for the display flags on City flagpoles, but the City Council recognizes the need for such a policy;

WHEREAS, the City Council desires to adopt a policy for the display of flags at City Hall and other City facilities including the United States flag, the California State flag, the United States Armed Forces flags, the City of Antioch flag, and other commemorative flags approved by a resolution of the City Council; and

WHEREAS, at the January 14, 2020, Antioch City Council meeting, the City Council discussed and considered a working draft of a policy for the display of flags at City facilities and directed staff to bring an updated draft of such policy forward at a subsequent City Council meeting for further consideration.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Antioch that:

Section 1. Findings

The City Council hereby finds and determines that the above recitals are true and correct and have served as the basis, in part, for the findings and actions of the City Council set forth below.

Section 2. Decision

The City Council of the City of Antioch hereby adopts the City of Antioch Flag Display Policy attached hereto as Exhibit A.

Section 3. Effective Date

This resolution shall take effect immediately upon its adoption.

* * * * *

I HEREBY CERTIFY that the foregoing resolution was passed and adopted by the City Council of the City of Antioch at a regular meeting thereof, held on the 11th day of February, 2020 by the following vote:

AYES:

ABSENT:

NOES:

ARNE SIMONSEN, CMC
CITY CLERK OF THE CITY OF ANTIOCH



CITY OF ANTIOCH FLAG DISPLAY POLICY

Table of Contents

Article I. Introduction	1
Section 1.01 Goal	1
Section 1.02 Purpose	1
Section 1.03 Applicability	1
Section 1.04 The American Flag in Antioch.....	1
Section 1.05 Definitions.....	1
Section 1.06 References	1
 Article II. General Provisions	 2
Section 2.01 Policy	2
Section 2.02 The Display of Flags on the City's Flagpoles Communicate the City of Antioch's Official Sentiments.....	2
Section 2.03 Display of Flags Generally.....	2
Section 2.04 Display of Flags Outside City Hall	3
Section 2.05 Display of Flags When There Are Multiple Flagpoles.....	3
Section 2.06 Display of Flags Inside City Hall and Other Facilities	4
Section 2.07 Display of Flags in the City Council Chambers.....	4
Section 2.08 Disposal of American Flag or State Flag	4
 Article III. Public Requests to Display Flags on City Flagpoles.....	 4
Section 3.01 Process and Timeline for Public Requests to a Display Flag at City Hall.....	4
Section 3.02 Time Limit for Displaying Other Approved Flags.....	5
Section 3.03 Other Approved Flags Shall Be Displayed in the Last Position of Honor....	5
Section 3.04 Purchase of Other Approved Flags.....	5

ARTICLE I. INTRODUCTION

Section 1.01 Goal

The goal of the City of Antioch (“**City**”) Flag Display Policy is to provide standard procedures for the display of flags at City facilities while promoting patriotism, inclusion, and pride in the City. The display of flags shall support the vision, mission, and objectives of the City and present the City in a positive and professional manner.

Section 1.02 Purpose

The purpose of this policy is to establish that the flag of the United States of America (the “**American Flag**”), the California state flag (the “**State Flag**”), United States Armed Forces flags (“**Military Flags**”), City of Antioch flag (“**Antioch Flag**”), and other flags approved by an adopted resolution of the City Council (“**Other Approved Flags**”) are welcome and authorized for display at Antioch City Hall and/or other City facilities.

Section 1.03 Applicability

This policy applies to all flags identified herein that are flown at City facilities.

Section 1.04 The American Flag in Antioch

The American Flag is a symbol of pride and freedom for all Americans. To encourage patriotism and appreciation for the United States of America, the City of Antioch encourages the display of the American Flag in our city. In particular, the City encourages the display of the American Flag at residential homes, businesses, and civic organizations on Memorial Day, Veterans Day, Flag Day, and Independence Day. On Memorial Day the American flag should be flown at half-staff from sunrise until noon only, then raised briskly to the top of the staff until sunset, in honor of the nation's battle heroes.

Section 1.05 Definitions

Half-Staff: The position of the flag when it is one-half the distance between the top and bottom of the staff.

Executive or Military Department: Any agency listed under Sections 101 and 102 of Title 5, United States Code.

Member of Congress: A Senator, Representative, Delegate, or the Resident Commissioner from Puerto Rico.

Section 1.06 References

United States Code (U.S.C.A.), Title 4 United States Code (U.S.C.A.), Title 36 California Government Code, Sections 430-439.

ARTICLE II. GENERAL PROVISIONS

Section 2.01 Policy

The City's Flag Display Policy for City Hall and other City facilities shall be in accordance with United States Code (U.S.C.A.), Title 4 and Title 36 and California Government Code, Sections 430-439.

Section 2.02 The Display of Flags on the City's Flagpoles Represents the City of Antioch's Official Sentiments

The display of flags represents the City of Antioch's official sentiments and the City may choose what it desires to publish and endorse on its flagpoles, provided it is consistent with the law. The City shall display commemorative flags only if authorized by the City Council as an expression of the City's official sentiments. Any such authorization shall be given at a duly noticed meeting of the City Council. The City's flagpoles are to be used exclusively by the City, where the City Council may display a commemorative flag as a form of government speech and expression. The City's flagpoles are not intended to serve as a forum for free expression by the public.

Section 2.03 Display of Flags Generally

2.03.1 The American Flag together with the State Flag shall be displayed daily at major City operated facilities.

2.03.2 When the American Flag and State Flag are displayed with other flags, the American Flag shall be placed in the first position of honor and the State Flag shall be placed in the position of second honor at all times.

2.03.3 The American Flag and State Flag may be displayed from sunrise to sunset. Proper illumination is recommended if the flags will be displayed twenty-four (24) hours per day.

2.03.4 The American Flag and State Flag should not be displayed on days when the weather would place them at substantial risk of damage, in the judgment of the City Manager or designee.

2.03.5 Flags displayed on the same halyard shall have the American Flag at the peak in the first position of honor, with the State Flag directly below the American Flag in the second position of honor in such a manner as not to interfere with any part of the American Flag. All other flags shall be displayed at a position subordinate to the State Flag.

2.03.6 When the American Flag and State Flag are displayed at the same time on separate flagpoles, the staffs shall be of equal height, the flags shall be of equal size, and the State Flag shall be positioned to the American Flag's left or the observer's right. The American Flag shall be hoisted first and lowered last.

2.03.7 The American Flag and State Flag, and any other displayed flag adjacent to these, shall be flown at half-staff during any of the following circumstances:

- a) During a national day of mourning or remembrance as declared by the President of the United States. The period of time that the flags remain at half-staff shall be determined by Presidential order.
- b) During a State day of mourning or remembrance as declared by the Governor of the State of California. The period of time that the flags remain at half-staff shall

- be determined by gubernatorial order. On Memorial Day each year, the flags shall be displayed at half-staff until noon only, then raised to the top of the staff.
- c) By order, and for the period prescribed, by the Antioch City Council.
 - d) An occasion befitting a local day of mourning or remembrance as determined by the City Manager of the City of Antioch. The length of time that the flags remain at half-staff shall be prescribed by the City Manager.

When displayed at half-staff, the American Flag and State Flag shall be first hoisted to the peak for a moment and then lowered to the half-staff position. The flags shall be again raised to the peak before they are lowered for the day. When displayed from adjacent staffs, the American Flag shall be raised and lowered first.

2.03.8 No flag shall be displayed above the American Flag.

2.03.9 When the American Flag is displayed over the middle of the street, the flag should be suspended vertically with the union (blue field) to the north in an east and west street, or to the east in a north and south street

2.03.10 When the American Flag is displayed with another flag from crossed staffs, the American Flag should be on the right (the flag's own right, the observer's left) and its staff should be in front of the staff of the other flag.

2.03.11 The City of Antioch recognizes that any rule or custom pertaining to the display of the American Flag may be altered, modified, or repealed, or additional rules with respect thereto may be prescribed, by the Commander in Chief of the Armed Forces of the United States, whenever deemed to be appropriate or desirable. Any such alteration or additional rule shall take precedence over the practices set forth in this policy.

Section 2.04 Display of Flags Outside City Hall

The American Flag shall be displayed in the first position of honor, which is the observer's extreme left or at the highest point. The State Flag shall be displayed in second position of honor, which on a single flagpole is directly beneath the American Flag. The City of Antioch Flag shall be placed in the third position of honor directly beneath the State Flag, unless a United States Armed Forces Flag(s) (e.g. POW/MIA flag, which serves as the symbol of our Nation's concern and commitment to achieving the fullest possible accounting of all Americans who still remain, or in the future may become, unaccounted for as prisoners of war, missing in action or otherwise unaccounted for as a result of hostile action) precedes it. If so, the City of Antioch Flag will be in the fourth position of honor directly below the Military Flag.¹ Other Approved Flags shall be in the subordinate positions of honor.

Section 2.05 Display of Flags When There Are Multiple Flagpoles

If there are multiple flagpoles displaying flags together in the same location, the American Flag, State Flag and City of Antioch Flag shall be displayed as follows: The American Flag shall be displayed in first position of honor, which is the observer's extreme left or at the highest point in the center. The State Flag shall be displayed in second position of honor to the right of the American Flag. The City of Antioch Flag shall be placed in the third position to the left of the American Flag.

¹ At the time of drafting this policy, City Hall uses a single flagpole for the display of the American, California, POW/MIA, and City of Antioch flags. If the City elects to use multiple flagpoles at City Hall at some point in the future, then Section 2.05 of this policy would apply.

Section 2.06 Display of Flags Inside City Hall and Other Facilities

If the American Flag is displayed in a lobby area it must be displayed in the first position of honor. This position is on the left side of the lobby upon entrance.

Section 2.07 Display of Flags in the City Council Chambers

The American Flag, State Flag and City Flag shall be the only flags displayed in the City Council Chambers. The American Flag shall be displayed in the first position of honor. This position is on the Mayor and City Council's right as they face the audience or to the observer's left. The State Flag shall be displayed in the second position of honor. This position is to the observer's right of the American Flag. The City Flag shall be displayed to the observer's right of the State Flag.

Section 2.08 Disposal of American Flag or State Flag

When the American Flag or State Flag, deteriorates to such a condition that it no longer serves as a fitting emblem of display, it shall be destroyed in a dignified manner, preferably by burning. All fire stations are flag disposal sites.

ARTICLE III. PUBLIC REQUESTS TO DISPLAY FLAGS ON CITY FLAGPOLES

Section 3.01 Process and Timeline for Public Requests to a Display Flag at City Hall and Other City Facilities

The City Council is open to considering public requests to display flags celebrating the efforts of nationally recognized civil rights movements that strive for equal rights and equal protection under the law for groups that have historically endured and sought to overcome unlawful and unjust discrimination within our country. Public requests to display such flags should be submitted to the City Clerk's Office at least **45 days** prior to the requested date of the flag raising and display.

- The City Clerk shall record the date of the request and forward it to the City Manager and the City Attorney for review.
- The City Manager shall present the request to the Mayor, who shall to agendize the request for the consideration of City Council, unless the City Attorney provides a written recommendation to deny the request supported by his or her analysis that the request is inconsistent with the goals and purposes of the City of Antioch Flag Policy.
- If an applicant's request to display a flag on the City's flagpole has been denied, the City Council shall only consider that same request if a member of the City Council makes a request to the Mayor or City Manager in writing on behalf of the applicant to place the item on the City Council agenda.
- The City Council shall then consider whether to approve or deny the request to display the flag by majority vote.
- The City Council reserves the right to disqualify or deny requests, in its sole discretion, that are not consistent with the goals and purpose of the City of Antioch Flag Display Policy.

Section 3.02 Time Limit for Displaying Other Approved Flags

Other Approved Flags shall be displayed for a period of time that is reasonable or customary for the subject that is to be commemorated, but no longer than thirty-one (31) continuous days.

Section 3.03 Other Approved Flags Shall Be Displayed in the Last Position of Honor

Other Approved Flags displayed on City flagpoles shall be displayed in the last position of honor beneath the City of Antioch Flag, unless otherwise directed by the City Council and to the extent such display does not conflict with federal law, state law, or this policy.

Section 3.04 Purchase of Other Approved Flags

The City may only purchase American Flags, State Flags, Military Flags, and City Flags. If the City Council votes to display a flag in response to a public request, the person or group making the public request shall provide the flag to the City and be responsible for the cost of the flag.