

RESOLUTION NO. 5848

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SOLEDAD
APPROVING A CITY OF SOLEDAD FLAG POLICY**

WHEREAS, the City of Soledad has traditionally displayed the United States and State flags at City facilities in accordance with the general guidance of Federal and State law; and

WHEREAS, the City does not currently have a written policy or guidelines concerning the display of the United States, State or desired Ceremonial/Commemorative flags at City facilities; and

WHEREAS, the City wishes to adopt a policy to provide rules and clear guidance regarding the display of flags at City facilities, including a declaration that the City's flagpoles are under the exclusive control of the City and are not intended to be a forum for free expression by the public but rather are to be used to express official views of the City Council of the City.

NOW THEREFORE, BE IT HEREBY RESOLVED by the City Council of the City of Soledad that the Council does hereby approve and adopt the City of Soledad Flag Policy, a copy of which is attached hereto as **Exhibit A** and by this reference incorporated herein.

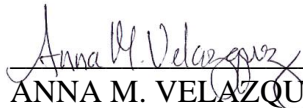
PASSED AND ADOPTED by the City Council of the City of Soledad at a regular public meeting thereof held on the 20th day of July, 2022, by the following vote:

AYES, and in favor thereof Councilmembers: Benjamin Jimenez, Jr., Alejandro Chavez, Carla Strobridge, Mayor Pro Tem Marisela Lara, Mayor Anna M. Velazquez

NOES, Councilmembers: None

ABSENT, Councilmembers: None

ABSTAIN, Councilmembers: None


ANNA M. VELAZQUEZ, Mayor

ATTEST:


BRENT SLAMA, City Clerk

CITY OF SOLEDAD FLAG POLICY

I. PURPOSE

- A. The City of Soledad City Council desires to establish clear guidelines regarding:
1. The outdoor display of the United States Flag, the California State Flag, and any City of Soledad Flag, if and when approved, at City facilities or city-owned or maintained flagpoles; and
 2. The outdoor display of Ceremonial/Commemorative flags at Soledad City Hall.
- B. This Policy is meant to assist the Council in ensuring that the dignity of the flags flown on flagpoles or displayed at City-owned or City-maintained facilities is upheld, as well as to reinforce the role of the Soledad City Hall as an inclusive gathering location and local symbol of government and democracy.
- C. In adopting this Policy, the Council explicitly declares that the flagpoles owned or maintained by the City at any City location are not intended to serve as a forum for free expression by the public, but rather serve as a non-public forum for the display of the United States, State of California, and City flags, and any Ceremonial/Commemorative flag authorized by the City Council as an expression of government speech, expressing the official sentiments of the Council. The City will not display a Ceremonial/Commemorative flag based on a direct request from a third party, nor will the Council authorize the use of City flagpoles to sponsor the expression of a third party.

II. SPECIFIC DISPLAY POLICY

- A. Policies for United States and State of California Flags. Flags shall be displayed in accordance with Federal and State statutes and regulations, including but not limited to United States Code, Title 4, Chapter 1, and California Government Code Section 430 et seq., as may be amended, and this Policy.
1. Per California Government Code Section 431(a), the Flag of the United States and the Flag of the State of California shall be prominently displayed upon or in front of public buildings of the City.
 2. Per California Government Code Section 434.7, any flag of the United States or Flag of California that the City purchases must be made in the United States.
 3. Display at Half-Staff
 - a. Flags may be flown at half-staff by order of the President of the United States or by the Governor of the State of California.
 - b. The United States flag shall be flown at half-staff on the following designated days in accordance with Federal law:

- i. Peace Officer Memorial Day- May 15
 - ii. Memorial Day- Last Monday in May
 - iii. Patriot Day- September 11
 - iv. National Firefighters Memorial Day- As designated in October
 - v. Pearl Harbor Remembrance Day-December 7
- c. The City of Soledad will lower the United States Flag to half-staff in observance of the following occasions:
- i. Upon the death of an active member of the Police Department or Fire Department who was killed in the line of duty, from the time of death until internment.
 - ii. Upon the death of an active City employee killed in the line of duty, from the time of death until internment.

B. City Hall

1. At a minimum, there shall be at least one flagpole at City Hall to fly the following flags in the manner described below: Flag of the United States, Flag of the State of California, Flag of the City of Soledad (when available.)
2. Ceremonial/Commemorative Flags.
 - a. As an expression of the City's official government speech, the City Council may authorize the display of a Ceremonial/Commemorative flag to fly only at City Hall.
 - b. The City Council shall only consider a request to authorize the display of a Ceremonial/Commemorative flag if it is made by a City Council member for placement on a future agenda for a regular City Council meeting. Requests to fly a Ceremonial/Commemorative flag by members of the public or an organization or entity will not be considered.
 - c. At a noticed and agendaed regular City Council meeting, a majority (3 votes) of Council members must agree to display the Ceremonial/Commemorative flag. The Council must articulate on the record why they believe the display of the flag in question is worthy of the City's honor and/or commemoration and consistent with the City's mission and priorities (via either findings included in the meeting minutes or by resolution when time allows). The Council shall determine and authorize the prescribed time and duration for the display of such a flag. Ceremonial/Commemorative 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 (30) consecutive days. Authorization to display a Ceremonial/Commemorative flag may be revoked or revised by future Council

action.

- d. Ceremonial/Commemorative flags must be either purchased by the City or temporarily donated for the City's use and must be clean, without holes and tears, and be made of an all-weather fabric. Ceremonial/Commemorative flags must be the same size or smaller than the United States and California flags displayed by the City. The City will not be responsible for the condition of the Ceremonial/Commemorative flag once flown.
 - e. If any other flag is flown at half-staff, the Ceremonial/Commemorative flag will also be flown at half-staff.
 - f. A "ceremonial or commemorative flag" as defined in this Policy shall mean a flag that identifies with a specific historical event, cause, nation, or group of people that the City Council chooses to honor or commemorate consistent with the City's mission and priorities. The following are not allowed as Ceremonial/Commemorative Flags and will not be considered for display by the City Council:
 - i. Flags of any religious movement or creed to avoid the appearance of City government endorsement of religion or a particular religious movement or creed;
 - ii. Flags of a political party to avoid the appearance of City government endorsing a political party;
 - iii. Flags advocating a certain outcome in an election.
- C. City Facilities other than City Hall. At facilities other than City Hall that the City owns or maintains there may be one flagpole where the United States Flag shall be flown, and the State of California flag may be flown as described in this Section.
- D. POW/MIA FLAGS
1. The Prisoner of War or Missing in Action (POW/MIA) flag is nationally recognized by an act of Congress through the adoption of U.S. Public Law 101-355, meant to represent the "Nation's concern and commitment to resolving as fully as possible the fates of Americans still prisoner, missing and unaccounted for in Southeast Asia."
 2. The POW/MIA flag shall be displayed annually at City Hall on the following days:
 - a. Armed Forces Day- Third Saturday in May
 - b. Memorial Day- Last Monday in May
 - c. Flag Day- June 14
 - d. Independence Day- July 4

- e. National POW/MIA Recognition Day- Third Friday in September
- f. Veterans Day- November 11

III. GENERAL POLICIES

- A. No flag shall be placed above the United States Flag and no flag shall be larger than the United States Flag displayed by the City. Other flags may be flown at the same height and in the same size in accordance with this Policy. Where both the United States Flag and the California State Flags are flown, they shall be of the same size.
- B. Flags shall be hoisted briskly and lowered ceremoniously. The United States Flag should be hoisted first and lowered last.
- C. Flags shall be displayed during operating hours on all days on which the City is open for business and on Federal and State holidays. Flags may be displayed twenty-four (24) hours a day as long as they are illuminated during darkness.
- D. Flags shall not be displayed during inclement weather unless all weather flags are used and are illuminated during darkness.
- E. When flags are displayed on a single pole, the order from top to bottom shall be the United States Flag, the California State Flag, the City of Soledad Flag (when available) and then any authorized commemorative flag.
- F. When the flags are flown from adjacent flag poles, the United States Flag shall be flown at the highest points of honor, which is the furthest point to the left from the standpoint of the observer (“the flag’s right”).
- G. When the National, State or POW/MIA flags are in such condition (faded, torn, soiled, or frayed) that is no longer a fitting emblem for display, it should be replaced with a new flag.