

RESOLUTION NO. 21-283

ADOPTING A CITY OF ROSEVILLE POLICY ON DISPLAY OF FLAGS

WHEREAS, the City of Roseville currently displays, as required by existing law, the United States Flag, the State of California Flag, the City of Roseville Flag, and at two park memorial locations, the congressionally and nationally recognized prisoner of war missing in action "POW-MIA" Flag; and

WHEREAS, the City of Roseville does not have a formal policy regarding the display of flags; and

WHEREAS, at the May 5, 2021, City Council meeting, the City Council directed staff to prepare versions of a Policy on Display of Flags for the City Council to consider and adopt; and

WHEREAS, the City Council desires to establish a policy that provides guidance and standards for the indoor and outdoor display of flags at City of Roseville owned properties; and

WHEREAS, in adopting this Policy on Display of Flags, the City Council declares that flags and flagpoles owned or maintained by the City of Roseville are not intended to serve as a forum for free expression by the public, but rather as a nonpublic forum for the display of flags outlined in the Policy on Display of Flags, as an expression of the City Council's official sentiments (government speech).

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Roseville approves the Policy on Display of Flags, attached and incorporated hereto as Exhibit A.

PASSED AND ADOPTED by the Council of the City of Roseville this 16<sup>th</sup> day of June, 2021, by the following vote on roll call:

AYES COUNCILMEMBERS: Houdesheldt, Roccucci, Mendonsa, Bernasconi

NOES COUNCILMEMBERS: Alvord

ABSENT COUNCILMEMBERS: None



MAYOR

ATTEST:



City Clerk

## **EXHIBIT A**

### **CITY OF ROSEVILLE POLICY ON DISPLAY OF FLAGS**

The Roseville City Council (hereinafter "City Council") desires to establish a "Policy on Display of Flags" (hereinafter "Policy"). In adopting this Policy, the City Council declares that the City of Roseville's flagpoles are not intended to serve as a forum for free expression of the public, but rather for the display of Federal, State, and City of Roseville flags, consistent with applicable law and past practice.

#### **I. Purpose**

- A. The purpose of this Policy is to establish clear guidance from the City Council regarding the indoor and outdoor display of flags at City of Roseville (hereinafter "City") owned properties.
- B. In adopting this Policy, the City Council desires to memorialize the past practice of displaying only nationally and congressionally recognized flags, consistent with required law.
- C. In adopting this Policy, the City Council declares that flagpoles owned or maintained by the City are not intended to serve as a forum for free expression by the public. Rather, such flagpoles are a non-public forum for the display of Federal, State, and City of Roseville flags, as authorized by this Policy, as an expression of the City Council's official sentiments (government speech).
- D. The City will not display a commemorative flag based on a request from a third party, nor will the City use its flagpoles to sponsor the expression of a third party.

#### **II. Policy**

- A. Conformance with Federal and State Regulations. Flags shall be displayed in accordance with all Federal and State statutes and regulations, including, but not limited to United States Code, Title 4, Chapter 1, et seq., and California Government Code sections 430 et seq., as may be amended from time to time, and this Policy.
- B. For all City owned properties (including parks). If there is an outside flagpole, the United States Flag may be displayed and the State of California Flag may be displayed, as described in section II(A) above. The City of Roseville Flag may also be displayed from such flagpole. If flags are displayed indoors, those flags are limited to the United States Flag, State of California Flag, and City of Roseville Flag. Commemorative flags may not be displayed.

If such City owned property is leased or licensed to a third party, that third party shall not be bound by this Policy, but must comply with any Federal, State, or local laws related to display of flags.

In addition, Veteran's Memorial Park North and Maidu Regional Park, may

allow the display of the nationally and congressionally recognized prisoner-of-war/missing-in-action ("POW-MIA") flags. (See 36 U.S.C. § 902, Federal Public Law §116-67, Federal Public Law §94-344.)

### III. **Procedures**

- A. Consistent with section II(A), no other flag shall be placed above the United States Flag and no other flag shall be larger than the United States Flag.
- B. Flags should 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 national 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, if displayed, the City of Roseville flag, and, if displayed, the POW-MIA flag.
- F. When the flags are displayed from adjacent flag poles, the United States Flag shall be displayed at the highest point of honor. The California State Flag shall be placed in the second position of honor.