

Resolution No. **2019-11-05-1103**
STOCKTON CITY COUNCIL

RESOLUTION ADOPTING THE CITY COUNCIL FLAG DISPLAY POLICY, INCLUDING IT IN THE COUNCIL POLICY MANUAL, AND APPROVING THE DISPLAY OF THE UNITED STATES MARINE CORPS FLAG ON NOVEMBER 10, 2019

From time to time the City Council desires to display ceremonial flags consistent with the City's ongoing and strategic priorities; and


The City does not have a policy regarding the display of the City of Stockton Flag, the flags of other nations or cities, or any commemorative flags on City flagpoles or at City facilities; and

The Stockton City Council desires to establish a policy regarding the display of flags; now, therefore,


BE IT RESOLVED BY THE COUNCIL OF THE CITY OF STOCKTON, AS FOLLOWS:

1. The City Council declares that City of Stockton flagpoles are not intended to serve as a forum for free expression of the public.
2. The City Council Flag Display Policy, attached hereto as Exhibit 1 and made part hereof by this reference, is hereby approved and adopted and will be included in the Council Policy Manual.
3. The City Council approves the display of the United States Marine Corps Flag on November 10, 2019 to celebrate the establishment of the military branch.
4. The City Manager is authorized to take appropriate and necessary to carry out the purpose and intent of this Resolution.

PASSED, APPROVED, and ADOPTED November 5, 2019


MICHAEL D. TUBBS
Mayor of the City of Stockton

ATTEST:


ELIZA GARZA, CMC
City Clerk of the City of Stockton



FLAG DISPLAY POLICY

CPM 2.07

SUBJECT: FLAGS, FLAGPOLES, DISPLAY	NUMBER: Title 2, Chapter 2.07
ADOPTED DATE:	RESOLUTION NUMBER:
LAST AMENDED: Not applicable.	RESOLUTION NUMBER: Not applicable.
COUNCIL POLICY CONTACT: City Council, Chair, Legislative Committee	CITY DEPARTMENT CONTACT: City Manager

POLICY

1) PURPOSE

The purpose of this policy is to provide procedural guidance for the displays of National, State, and other flags. In adopting this policy, the City Council declares that City of Stockton flagpoles, flagpoles located at City-owned buildings and facilities, are not intended to serve as a forum for free expression of the public.

2) FLAGS

- i) United States Flag and State of California Flag. The United States Flag and the State of California Flag shall be displayed in accordance with Federal and State law, including Title 4 and Title 36 of the United States Code and Sections 430 through 439 of the California Government Code.
- ii) City of Stockton Flag. The City of Stockton Flag, if displayed on a City flagpole with the United States Flag and California State Flag, shall be placed in the third position of honor below the United States Flag and California State Flag.
- iii) Sister City Flags. The flags of the City of Stockton's Sister Cities ("Sister City Flags") may be displayed in accordance with this policy.
- iv) Commemorative Flags.
 - (1) "Commemorative Flag" shall mean any flag which identifies with a specific date, historical event, cause, nation or group of people, whereby the City honors or commemorates the date, event, cause, nation or people by flying the flag.
 - (2) The City shall display Commemorative Flags only if authorized by the City Council as an expression of the City's Official speech in accordance with the procedures outlined in this policy.

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3) CITY FLAGPOLES

- i) The City's flagpoles are not intended to serve as a forum for free expression by the public.
- ii) Display of Flags
 - (1) City flagpoles will only display flags that may be safely accommodated on the respective pole.
 - (2) The City Council may, by resolution, direct City staff to display Commemorative Flags as an expression of the City's official sentiments.
 - (a) Commemorative Flags may be displayed on the flagpole(s) outside of Stockton City Hall provided a flagpole(s) is available for such use.
 - (b) Other than those flagpoles identified in section (a) above, no other City flagpoles shall fly Commemorative Flags.
 - (c) 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 seven (7) continuous days.
 - (d) Commemorative Flags shall be of sufficient quality for outdoor display. Commemorative Flags will not be displayed on days when the weather is inclement, except when all-weather flags are used.
 - (e) If a Commemorative Flag is displayed with the United States Flag or the State of California Flag, it shall not be larger in size than the United States Flag or the State of California Flag.
 - (f) The City Council shall only consider a request to display a Commemorative Flag if the request is made by a member of the Stockton City Council. Requests to display Commemorative Flags may be placed on the City Council's meeting agenda in accordance with City Council Policy 4.01.010. The City will not display a Commemorative Flag based on a request from a third party.
- iii) The City Manager shall maintain a policy to provide uniform guidelines for flying flags at half-staff. This half-staff policy will be consistent with Federal laws, including Title 4 of the United States Code.

4) FLAGS INSIDE CITY HALL LOCATIONS

- i) Flags inside Stockton City Hall Lobby
 - (1) The United States Flag and Sister City Flags may be displayed in the lobby area of Stockton City Hall, provided there is sufficient space available to display the flags.
 - (2) Other than the flags identified in section (1) above, no Commemorative Flags shall be displayed in the lobby area of Stockton City Hall.

ii) Flags inside City Council Chambers

- (1) The United States Flag, the California State Flag, the City of Stockton, and a Military Service Support Flag shall be the only flags displayed in the City Council Chambers.
 - (2) The flags in the City Council Chambers shall be displayed in the following order:
 - (a) The United States Flag shall be displayed on the Mayor and City Council's right as they face the audience.
 - (b) The California State Flag shall be displayed on the Mayor and City Council's left as they face the audience.
 - (c) The City of Stockton flag shall be displayed between the United States Flag and the California State Flag.
 - (d) A Military Service Support Flag shall be displayed to the left of the California State Flag, to the Mayor and City Council's far left as they face the audience.
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RESPONSIBILITIES

Public Works

Maintain the City flagpole located at City Hall. Raise and lower flags in accordance with City policies and/or Council resolution.

Clerk's Office

Display Sister City Flags in the City Hall Lobby and provide City of Stockton flags for display.

City Manager

Maintain a policy to provide uniform guidelines for flying flags at half-staff.

City Council

Request, consider, and adopt resolutions for the display of Commemorative Flags as government speech.

RELEVANT AUTHORITY

United States Code, Title 4 and Title 36
California Government Code Sections 430 through 439

RELATED ADMINISTRATIVE DIRECTIVE, CITY POLICY, CITY PROCEDURE

Administrative Directive – *Flying Flags at Half Staff* <AD.11.06>

RELATED FORMS, DOCUMENTS, OR LINKS

City of Stockton, Sister Cities, <http://www.stocktongov.com/discover/sister.html>

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FREQUENTLY ASKED QUESTIONS

Not applicable.

UPDATE HISTORY

Not applicable.
