



## Agenda Report

18-920

Agenda Date: 8/28/2018

### REPORT TO COUNCIL

#### SUBJECT

Action on the Display of Flags Council Policy

#### BACKGROUND

At the November 13, 2017 Governance Committee meeting, the Governance Committee recommended that the Display of Flags policy, with the Committee's edits, be referred to the City Council for final review and approval. After the Governance Committee recommendation, staff reviewed and amended the policy with the Committee's suggested edits and made further additions, as discussed below.

#### DISCUSSION

After the Governance Committee reviewed the draft Flags to the City policy, the Committee suggested that the term "commemorative flag" be changed to "ceremonial flag"; the Committee also suggested that ceremonial flags of significance to the City's history should be noted in the policy. Staff has amended the policy with the Committee's suggested edits in a redline version of the Display of Flags policy (Attachment 1) and in a clean version of the Display of Flags policy (Attachment 2).

In addition to the Committee's suggested edits to the policy, staff also added the protocol for the display of flags when flags of two or more nations are displayed, as dictated by the Title 4 of the United States Code - United States Code Title 4 - Flag and Seal, Seat of Government, and The States (Attachment 3). Specifically, if flags of two or more nations are flown, the foreign flag(s) must be of equal size and displayed on staffs of equal height as the United States flag.

The Display of Flags policy (Attachment 2) establishes clear guidelines for the exhibition of the flag of the United States of America, the California State flag, and the City of Santa Clara flag at Santa Clara City Hall and City facilities and the display of ceremonial flags. The Display of Flags policy affirms that flags shall be displayed in conformance with Federal and State policies, as stated in Title 4 of the United States Code - United States Code Title 4 - Flag and Seal, Seat of Government, and The States (Attachment 3), State of California Government Code - Section 430 (Attachment 4), and State of California Government Code - Section 437 (Attachment 5).

Consistent with the Policy approved at the November 13, 2017 Governance Committee meeting and thereafter amended, staff recommends approval of the Display of Flags policy. If approved, this policy will be included in the City of Santa Clara Council Policy Manual.

Please note that City Manager Directive (CMD) Number 77 (Attachment 6) entitled, "Half-Staffing the Flags (Mourning Colors)," provides guidelines for flying the City's flags at half-staff in times of mourning.

**ENVIRONMENTAL REVIEW**

The action being considered does not constitute a “project” within the meaning of the California Environmental Quality Act (“CEQA”) pursuant to CEQA Guidelines section 15378(b)(5) in that it is a governmental organizational or administrative activity that will not result in direct or indirect changes in the environment.

**FISCAL IMPACT**

There no fiscal impact other than staff time to develop and approve this policy.

**COORDINATION**

This report was coordinated with the City Attorney’s Office.

**PUBLIC CONTACT**

Public contact was made by posting the Council agenda on the City’s official-notice bulletin board outside City Hall Council Chambers. A complete agenda packet is available on the City’s website and in the City Clerk’s Office at least 72 hours prior to a Regular Meeting and 24 hours prior to a Special Meeting. A hard copy of any agenda report may be requested by contacting the City Clerk’s Office at (408) 615-2220, email [clerk@santaclaraca.gov](mailto:clerk@santaclaraca.gov) <<mailto:clerk@santaclaraca.gov>> or at the public information desk at any City of Santa Clara public library.

**RECOMMENDATION**

Adopt a resolution approving the Display of Flags Council Policy.

Reviewed by: Walter C. Rossmann, Chief Operating Officer

Approved by: Deanna J. Santana, City Manager

**ATTACHMENTS**

1. Display of Flags Policy (Redline)
2. Display of Flags Policy (Clean)
3. United States Code Title 4 - Flag and Seal, Seat of Government, and The States
4. State of California Government Code - Section 430
5. State of California Government Code - Section 437
6. City Manager Directive (CMD) Number 77 - “Half-Staffing the Flags (Mourning Colors)”
7. Resolution to Adopt Display of Flags Policy