



City of Sunnyvale

Agenda Item-No Attachments (PDF)

File #: 19-1201, Version: 1

REPORT TO COUNCIL

SUBJECT

Approve a New Council Policy on Display of Ceremonial and/or Commemorative Flags at City Hall (Study Issue); and Adopt a Resolution in Accordance with Such Policy to Authorize the Annual Display of the Pride Flag at City Hall

BACKGROUND

At its March 7, 2019 Study Issues Workshop, the Council ranked Study Issue OCM 19-01 *Council Policy on Display of Flags at City Hall* as high priority. Throughout the year, the City Council recognizes organizations, individuals and various national events to highlight noteworthy public contributions and achievements. Recognition can take the form of resolutions, proclamations, certificates, letters, and plaques. Some ceremonial or commemorative events are recognized by flying a specific flag, such as Pride month. Currently, the City does not have a Council policy that clearly articulates the display of commemorative or ceremonial flags at City Hall. Study Issue OCM 19-01 resulted in the recommendation of a Council policy that includes language that defines a decision-making process that Council would use when considering whether Ceremonial and/or Commemorative flags can be displayed on the flagpole at City Hall.

EXISTING POLICY

Administrative Policy 6.2 (Display of Flags at City Buildings)

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.

DISCUSSION

In the past, the City has displayed flags in accordance with Federal and State law as defined in the City's Administrative Policy 6.2 (Display of Flags at City Buildings), Attachment 1. In the interest of having an equitable and transparent process on the selection of commemorative and ceremonial flags, Study Issue OCM 19-01 proposed a new Council policy and process by which the Council through the adoption of a resolution and consistent with City values approves the display of ceremonial and/or commemorative flags at City Hall.

The City's flag pole is not intended to serve as a forum for free expression by the public. By requiring a Council resolution to display a commemorative flag, public comments would be received during public comment period at the respective Council meeting when a resolution is being considered. The City's flagpoles are to be used exclusively by the City, where the Council may display a commemorative flag as a form of government expression. The Government Speech Doctrine,

defined by the United States Supreme Court, establishes that a government organization may advance its own expression without requiring a viewpoint neutrality when the government itself is the speaker, so long as its expression does not show religious preference or encourage a certain vote in an election.

The proposed Council policy (Attachment 2), defines that ceremonial or commemorative flags shall be displayed as an expression of the City's official sentiments, consistent with the City's values. The flags shall only be displayed on the flagpole located at City Hall, exclusively under the City of Sunnyvale Flag, for a duration of no more than (45) forty-five days.

Display of the Pride Flag

In 1969, the Stonewall Inn, in New York's Greenwich Village, the Lesbian, Gay, Transgender, Bisexual, and Queer (LGBTQ) community came together to take a stand against public harassment and social discrimination, spurring the LGBTQ rights movement. To commemorate these events, cities across the nation recognize and celebrate June as LGBTQ Pride Month. Council approved display of the Pride Flag to commemorate LGBTQ Pride Month in 2019. Affirming the City's Statement of Values, the City honors and respects the "valuing our individual experiences and supporting and protecting people of any race, religion, ancestry, ethnicity, ability, gender, sexual orientation, or gender identity..." Attachment 3 is a resolution for Council to authorize the annual display of the Pride Flag at City Hall flag pole from June 1 to June 30.

FISCAL IMPACT

None.

PUBLIC CONTACT

Public contact was made by posting the Council agenda on the City's official-notice bulletin board outside City Hall, at the Sunnyvale Senior Center, Community Center and Department of Public Safety; and by making the agenda and report available at the Sunnyvale Public Library, the Office of the City Clerk and on the City's website.

ALTERNATIVES

1. Approve a new Council Policy No. 7.3.30 (Display of Ceremonial and/or Commemorative Flags at City Hall).
2. Adopt a Resolution in accordance with such Policy, to authorize the annual display of the Pride Flag at City Hall from June 1 to June 30.
3. Approve a new Council Policy No. 7.3.30 (Display of Ceremonial and/or Commemorative Flags at City Hall) with modifications as directed by Council.
4. Adopt the resolution in accordance with such Policy, to authorize the annual display of the Pride Flag at City Hall from June 1 to June 30 with modifications as directed by Council.
5. Other direction to staff as determined by Council.

STAFF RECOMMENDATION

Approve Alternatives 1 and 2: Approve a new Council Policy No. 7.3.30 (Display of Ceremonial and/or Commemorative Flags at City Hall); and Adopt a Resolution in accordance with such Policy, to authorize the annual display of the Pride Flag at City Hall from June 1 to June 30.

Having a Council policy on commemorative flags provides an avenue for the City to express support for groups or events consistent with its values. Approving a resolution to display the Pride Flag

annually is consistent with recent Council direction and is consistent with the City's Statement of Values.

Prepared by: Lupita Alamos, Senior Management Analyst

Reviewed by: Teri Silva, Assistant City Manager

Approved by: Kent Steffens, City Manager

ATTACHMENTS

1. Administrative Policy 6.2 (Display of Flags at City Buildings)
2. Council Policy 7.3.30 (Display of Commemorative and/or Ceremonial Flags at City Hall)
3. Resolution Authorizing the Annual Display of the Pride Flag