

RESOLUTION NO. 2019-59

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FLAGSTAFF
ADOPTING THE *CITY COUNCIL POLICY ON THE DISPLAY OF FLAGS AS
THE FLAG POLICY FOR THE CITY OF FLAGSTAFF***

RECITALS:

WHEREAS, City Council desires to establish a policy for the display of flags; and

WHEREAS, on November 12, 2019 the City Council directed staff to finalize and present to the City Council a policy regarding the display of commemorative flags that the City Council may authorize to have displayed each year; and

WHEREAS, it is desirable that such a policy be incorporated with a general policy regarding the display of federal, state, POW/MIA and City Flags, and any commemorative flags that the City Council may authorize to have displayed; and

WHEREAS, The City's flagpoles do not serve as a forum for free expression by the public, but rather for the display of federal, state, POW-MIA, and City Flags, and any commemorative flags as may be authorized by the City Council as an expression of the City Council's official sentiments;

ENACTMENTS:

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF FLAGSTAFF AS FOLLOWS:

SECTION 1. The City Flag Policy attached hereto as Exhibit A is hereby adopted.

SECTION 2. The City Manager and City Clerk are authorized and directed to edit and correct typographical and grammatical errors of wording and punctuation.

This resolution shall be effective thirty (30) days following adoption by the City council.

PASSED AND ADOPTED by the City Council of the City of Flagstaff this 19th day of November, 2019.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY

Exhibits:
Exhibit A – Flag Policy

EXHIBIT A

CITY OF FLAGSTAFF, ARIZONA CITY COUNCIL POLICY ON THE DISPLAY OF FLAGS

PURPOSE

The purpose of this policy is to provide procedural guidance for the display of flags at City facilities.

POLICY

I. Standards

The City Council desires to establish a policy regarding the display of: (1) the United States Flag, (2) the Arizona State Flag, (3) the POW-MIA Flag; (4) the display of the City of Flagstaff Flag (City Flag), and (5) on a temporary pole at City Hall, the display of commemorative flags. In adopting this policy, the City Council declares that the City's flagpoles (permanent or temporary) are not intended to serve as a forum for free expression of the public, but rather for the display of Federal, State, the POW-MIA Flag, the City Flag, and a maximum of two commemorative flags per month. The City Council may display on a temporary pole one commemorative flag per month, but in no event shall the City Council display more than two commemorative flags per month (to be displayed separately - the first commemorative flag for the first half of the month, and the second commemorative flag for the second half of the month), for the ensuing year as determined by the City Council. Authorization by the City Council to display commemorative flags shall occur in one annual resolution only of the City Council to be considered and potentially adopted in December of each year as an expression of the City's official sentiments.

Flags shall be displayed in accordance with Federal and State statutes, including, but not limited to United States Code, Title 4, Chapter 1; and, Arizona Revised Statutes §§ 41-852; 38-449, and this policy.

II. Procedures

A. Federal and State

1. The United States Flag and the Arizona State Flag shall be displayed as required by law and in accordance with this policy.
2. No other flag shall be placed above the United States Flag.
3. Flags shall be displayed during operating hours and beyond if illuminated during darkness on all days and nights when the City is open for business, upon or in front of all City facilities equipped for flag display.
4. The Flag of the City of Flagstaff may also be displayed from time to time.
5. Flags shall not be displayed during inclement weather. However, all-weather flags may be displayed on a twenty-four (24) hour basis as long as they are illuminated during darkness, aside from commemorative flags.

B. POW/MIA Flag

1. The POW/MIA Flag is a nationally recognized flag, created in 1971 and recognized by an act of Congress through the adoption of U.S. Public Law 101-355, to represent concern of individuals who are identified as prisoners of war or missing in action. The POW-MIA Flag has become a symbol of commitment to achieving the fullest possible accounting for those in the future who may become prisoners of war, missing in action, or otherwise unaccounted for as a result of hostile action.
2. In accordance with the Arizona State law, the POW/MIA flag shall continue to be displayed at City Hall. The POW/MIA flag may also be displayed at other City facilities in accordance with State Law.

C. Commemorative Flags

1. Commemorative flags may be displayed only as authorized by an annual resolution of the City Council and as an expression of the City's official sentiments.
2. 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 day (30) continuous days.
3. Commemorative flags shall be displayed at City Hall, exclusively on a temporary pole.
4. 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.

D. Display of Flags

Flags shall be displayed as follows:

The United States Flag shall be displayed in the first position of honor. The Arizona State Flag shall be placed in the second position of honor. The POW/MIA Flag shall be displayed in the third position of honor. The City of Flagstaff Flag, if displayed, shall be placed in the fourth position of honor.

Commemorative flags shall be displayed on a temporary pole on the front lawn of City Hall.

All commemorative flags shall be displayed under this policy according to the annual resolution of the City Council in December of each year rather than by proclamation of the Mayor. The Mayor shall no longer make proclamations to display commemorative flags at City facilities. All commemorative flags will be displayed by City staff only not in conjunction with any ceremonies.