



Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: Matt Loesch

SUBJECT: Amendment to City Council
2-1, Flag Display Policy

DATE: November 25, 2024

Approved:

Date:

12/6/2024

COUNCIL DISTRICT: Citywide

RECOMMENDATION

Adopt a resolution amending City Council Policy 2-1, Flag Display Policy, to include language regarding City staff availability and funding contingency, and to include the Lunar New Year and Juneteenth City holidays.

SUMMARY AND OUTCOME

The amendment to City Council Policy 2-1 will clarify that flag ceremonies will be contingent upon availability of City staff and funding, particularly on evenings, weekends, and holidays, and will include the Lunar New Year and Juneteenth City holidays.

BACKGROUND

City Council Policy 2-1, Flag Display Policy, was last updated in October 2021 to replace Columbus Day with Indigenous Peoples' Day to recognize, celebrate, and honor the culture and contributions of all Indigenous Peoples in the Americas. Since then, the City Council has approved and adopted two additional City-recognized holidays, Juneteenth and Lunar New Year, in 2021 and 2023 respectively.

More recently, due to an increase in requests for flag raising ceremonies, additional clarification has been sought after regarding City staff availability on evenings, weekends, and holidays when City Hall is officially closed.

ANALYSIS

The proposed amendment to City Council Policy 2-1 (**Attachment**), will incorporate the two most recently recognized City holidays, Juneteenth and Lunar New Year, both of which hold significant cultural and historical importance. Juneteenth commemorates the emancipation of enslaved African Americans, while Lunar New Year celebrates the cultural traditions of the Asian American community.

The policy amendment will also address the scheduling and logistics of flag-raising ceremonies. As requests for these events have increased in recent years, the amendment will establish that these ceremonies are contingent upon the availability of both funding and City staff. Given that City Hall is typically closed during evenings and weekends, staffing for such events requires additional planning and resources, making it essential to clarify the parameters of these ceremonies in advance.

EVALUATION AND FOLLOW-UP

No additional follow up action with the City Council is expected at this time.

COORDINATION

This memorandum has been coordinated with the City Attorney's Office, the City Manager's Budget Office, and the Planning, Building, and Code Enforcement Department.

PUBLIC OUTREACH

This memorandum will be posted on the City's Council Agenda website for the December 17, 2024 City Council meeting.

COMMISSION RECOMMENDATION AND INPUT

No commission recommendation or input is associated with this action.

CEQA

Not a Project, File No. PP17-010, City Organizational and Administrative Activities resulting in no changes to the physical environment.

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PUBLIC SUBSIDY REPORTING

This item does not include a public subsidy as defined in section 53083 or 53083.1 of the California Government Code or the City's Open Government Resolution.

/s/

Matt Loesch

Director, Public Works

For questions, please contact Jennifer Garcia, Senior Events Coordinator, Department of Public Works, at Jennifer.garcia@sanjoseca.gov or (408) 535-1428.

Attachment – City Council Policy 2-1

City of San José, California

COUNCIL POLICY

TITLE EXHIBITION OF FEDERAL, STATE, AND CITY FLAGS FROM CITY BUILDINGS – ALL OCCASIONS	PAGE 1 of 3	POLICY NUMBER 2-1
EFFECTIVE DATE April 27, 1970	REVISED DATE	
APPROVED BY COUNCIL ACTION 4-27-70; 8-3-82, Item 11 k; 9-28-82, Item 12 a; 4-2-85, Item 7 e; 10-17-2006, Item 3.7a; 11-14-2006; Item 3.5c, Res. 73490; 10-19-2021, Item 2.8c, Res. 80256		

PURPOSE

To establish guidelines for: (1) the exhibition of the flag of the United States of America, the California State flag, the San Jose City flag from City buildings and the New City Hall flag at City Hall, and (2) the display of street flags for parades and holidays, and (3) the display of ceremonial flags.

POLICY

It is the policy of the City of San José that flags should be displayed in conformance with Federal and State policies, as stated in the Federal “Our Flag” publication of the Congress, House Document No. 96-144; and the State of California Government Code Sections 430 and 437.

In order to establish a policy with respect to the locations and days when the United States of America, California State, and San Jose City flags should be displayed, the following standards should be followed.

The Director of Public Works is responsible for ensuring the proper execution of this policy at all City facilities except the Airport, where the Director of Aviation is responsible for proper execution of this policy.

STANDARDS

A. Federal, State and City Flags

1. Outdoor flags will be flown at City facilities in the following order of precedence: first, the United States flag; second, the California State flag; third, the San Jose City flag.
2. Weather permitting, flags should be displayed daily in front of or at a location near City Hall, the Police Administration Building, the Civic Auditorium, the Airport, and all Fire and Police facilities during business hours.
3. Flags should not be displayed in inclement weather. However, all-weather flags may be flown on a 24-hour basis as long as they are illuminated from sunset to sunrise.

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The City Hall flags shall be all-weather flags, shall be flown on a 24-hour basis and shall be illuminated at night.

4. The San Jose City flag will be flown wherever there are sufficient poles to do so in accordance with #2 above. The City flag may be displayed on the same pole with, and underneath the State flag, whenever the pole is of sufficient height. The Federal, State, and City flags shall not be flown on a single pole of any height.
5. New City facilities where any flags are to be flown shall be constructed with a sufficient number of poles to allow the City flag to be flown.
6. Indoor City flags shall be displayed at a minimum in the City Council Chambers and in the Mayor's Office.
7. On recognized Federal and/or State holidays, and on other special occasions as listed below, flags should be flown from all locations listed in paragraph A-2 above.
 - a) January 1, New Year's Day
 - b) January 20, (2001, 2005, 2009, etc., every fourth year) on the day the President of the United States is inaugurated
 - c) Third Monday in January, Martin Luther King's birthday
 - d) Lunar New Year
 - e) Third Monday in February, Presidents' Day
 - f) Second Sunday in May, Mother's Day
 - g) Third Saturday in May, Armed Services Day
 - h) Last Monday in May, Memorial Day. The flags to be flown at half-staff (first raise to top, then slowly lower to half-staff) until noon and at full staff from noon until sunset. NOTE: The United States flag must always be flown by itself when displayed at half-staff.
 - i) Third Sunday in June, Father's Day
 - j) June 14, Flag Day
 - k) June 19, Juneteenth
 - l) July 4, Independence Day
 - m) First Monday in September, Labor Day
 - n) September 9, Admission Day
 - o) September 17, Constitution Day
 - p) Second Monday in October, Indigenous Peoples' Day
 - q) The first Tuesday after the first Monday in November of a presidential election year and gubernatorial election days
 - r) November 11, Veteran's Day
 - s) Fourth Thursday in November, Thanksgiving Day
 - t) December 25, Christmas Day
 - u) State holidays
 - v) Special occasions of Federal, State and local proclamation
8. Flags at all City facilities shall be displayed in accordance with the above standards. However, the City Manager may order flags to be lowered to half staff including, but

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not limited to flags of the United States of America and State of California in honor of the death of a City employee killed in the line of duty.

9. Flags may be lowered to half staff in honorable recognition of a world, national, local, City tragedy, event, and/or an Act of God at the direction of the City Manager or designee, or a proclamation by the City Council.

B. Street Flags

Street flags are defined as flags flown on a guy wire over a city street. The guy wire is generally attached to city streetlights and is oriented perpendicular to the flow of traffic. Street flags may be flown in the downtown area on Veteran's Day and Memorial Day, if requested by a group sponsoring an event on that day and approved by the City Council. Funding for this flag flying may be provided by an outside agency or at the City's expense, depending on the decision of the City Council.

C. Ceremonial Flags

The City's flagpoles are not intended to serve as a forum for free expression by the public. The following flags may be displayed by the City as an expression of the City's official sentiments, contingent upon City staff availability and funding on evenings, weekends and holidays:

1. Flags of Governments Recognized by the United States. Flags of the governments recognized by the United States may be displayed upon the request of the Mayor, a member of the City Council or the City Manager.
2. Flags of Sister Cities: The flags of official Sister Cities of San Jose may be displayed in conjunction with an event involving the Sister City.
3. Flags Displayed in Conjunction With Official Ceremonial Items: Other flags may be displayed in conjunction with official actions, ceremonial items, or proclamations of the City Council.
4. Flags of Professional Sports Teams: The City Manager may order the display of the flag of a professional sports team in commemoration of a significant achievement involving the City of San Jose.