

MEMORANDUM

TO: Mayor Cassidy and City Council Members

FROM: Eric Engelbart, Assistant to the City Manager

DATE: October 7, 2013

RE: Flag Policies of Other Bay Area Cities

At the direction of the City Manager, staff distributed an inquiry to all Alameda County municipalities, as well as several other cities in the Bay Area that are known to have raised the flags of foreign nations in order to determine what, if any, policies or procedures they may have adopted in order to govern such ceremonies. Additional details are provided below.

Existing Policy in San Leandro¹:

Per Section 1.7.205 of the San Leandro Administrative Code: "As a general rule, special designation flags (such United Nations flag, flag of a Sister City, Children's Memorial Flag, etc.) will be raised only upon the direction of the Mayor or City Manager. Such flags will only be flown at City Hall, and when raised, shall replace the flag of the City of San Leandro, not the flag of the United States or the flag of the State of California."

Summary of Flag Policies, by City:

City of Alameda: According to the City's Community Development Coordinator, The City of Alameda has no formally adopted policies regarding the raising of foreign flags, nor has the City Council ever formally authorized a foreign flag raising ceremony. However, for a number of years, the Alameda Sister Cities Association (a private organization) has sponsored an event that took place in front of city hall each October 1st in which the flag of the People's Republic of China was raised alongside the American Flag on two portable flag poles that were erected for the event. This year's event was cancelled due to public protests.

City and County of San Francisco: According to the Mayor's Director of Protocol, there is a flag pole outside the second floor balcony of the Mayor's office that is regularly used for the raising of foreign flags by the Mayor or his staff. Although the City has no formally adopted policy on the issue, the unwritten policy of the Mayor's Office has been to authorize the raising of the flag of any nation that has full diplomatic relations with the United States and who also has a consulate in San Francisco. Due to the presence of 72 consulates, the Mayor's Office raises approximately 72 flags per year. In some instances, a formal ceremony will be held when asked by consular officials. On September 25th of this year, the flag of the People's Republic of China was raised at the request of consular staff. According to

¹ Per the City Manager, staff wishes to inform the Council that there also is a provision in Appendix D of the City Council Members Handbook, which states: "The City Council as a group will not adopt a formal position in favor of or in opposition to ballot measures or legislation unless such ballot measure or legislation has a direct benefit on a significant portion of the community of San Leandro or the City of San Leandro."

the Mayor's Office, the San Francisco Board of Supervisors has never provided any policy guidance on the use of this flag pole.

City of Berkeley: According to the City Clerk, Berkeley does not have any adopted policies or procedures regarding the raising of foreign flags. However, when requests for the raising of foreign flags are received, they are brought forward to the City Council for consideration of a draft resolution. In commemoration of the Tibetan National Uprising Day, Berkeley has for many years raised the Tibetan Flag at Civic Center Park. According to records maintained by the City Clerk, the flag of the Union of Burma was raised in 2008 and the flag of Ethiopia was raised in 2010.

City of Milpitas: According to adopted city policy, the raising of foreign flags must be authorized by the City Council and such flags shall only be raised on the City's ceremonial flag poles located at Higuera Adobe Park, located approximately three miles from city hall. These flag poles are to remain unused at all times other than during City-approved ceremonies. Any party interested in conducting a flag raising ceremony must submit an application to the City Manager's Office at least 30 days prior to the event.

Hayward: According to the City Clerk, the City of Hayward has never raised the flag of a foreign nation. The City does have an adopted flag policy, although it relates only to lowering flags at half-mast during periods of mourning.

Piedmont: According to the City Clerk, Piedmont has no formal flag policy. The City flies the U.S., State and City flags in front of their City Hall, and any order to raise an alternative flag is in lieu of the City flag is given by the City Administrator. To the Clerk's knowledge, Piedmont has never flown another nation's flag, nor have they received any requests to do so.

Newark: The City of Newark has an adopted administrative regulation that applies to the display of foreign flags, which states: "when two or more nations [flags] are displayed, they are to be flown from separate staffs of the same height. The flags should be of approximately the same size." To the City Clerk's knowledge, Newark has never flown another nation's flag, nor have they received a request to do so.

Oakland: Staff contacted the Oakland City Administrator's Office and Office of the Mayor regarding this issue, but to date has not received a response.

cc: City Manager Chris Zapata
Assistant City Manager Lianne Marshall
City Attorney Richard Pio Roda
City Clerk Marian Handa