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Update by City Council Ad Hoc Committee on Flag Raising and Staff Report for Proposed Amendments to San Leandro Administrative Code Chapter 1.7 on Flag Policy

SUMMARY AND RECOMMENDATIONS

Staff recommends that Council discuss the matter and provide direction to staff regarding modifications to the existing Flag Policy.

BACKGROUND

Existing policies governing the lowering and raising of flags at City Hall are outlined in Section 1.7 of the San Leandro Administrative Code. Section 1.7.205, which governs the raising of *special designation flags* at City Hall specifically states:

“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.”

As a general practice, three flags are regularly raised in front of City Hall whenever the building is open: the U.S. flag, the flag of the State of California, and the flag of the City of San Leandro. On occasion, alternative flags have been raised. At the March 18, 2013 regular meeting, the City Council unanimously voted to direct staff to raise the Rainbow Flag in place of the City Flag on March 26 and March 27 (i.e. the same days that the U.S. Supreme Court was hearing oral arguments regarding Proposition 8 and the Defense of Marriage Act).

On September 16, 2013, the City Council directed staff by a vote of 4-3 to raise the Flag of the People’s Republic of China on October 1st, in honor of National Day, a Chinese public holiday commemorating the founding of the People’s Republic of China in 1949.

Following substantial public discussion, the Mayor exercised his authority to suspend implementation of the above action, per Section 305(h) of the City Charter. Per the Charter, this action was subsequently reconsidered by Council on October 7, 2013. At that meeting, Council referred the matter to an ad hoc committee, comprised of Mayor Cassidy, Council Member Lee, and Council Member Cutter, who were tasked with developing a policy for raising the flags of other nations and celebrating other cultures.

This ad hoc committee subsequently convened a publically-noticed meeting on February 24, 2014. Following public testimony, the ad hoc committee voted 2-1 to return the matter to the City Council with a recommendation to make no changes to existing policy. Council Member Cutter also requested that staff return with an estimate of the cost to install an additional flag pole either in front of City Hall, or at an alternative City-owned site, such as Root Park or Marina Park. Based upon preliminary discussions with Public Works staff, it is estimated that the costs of such an installation would not be significant.

City Manager Recommendation

The City Manager recommends that Council modify the existing flag policy to require applicants requesting the raising of a special designation flag or flag of a foreign nation to provide a detailed assessment of the ancillary needs associated with their request. For example, if a ceremony were to be held along with the raising of the flag, the applicant would be directed to provide an overview of the requested location and duration of the event, the specific timing of the event, the number of anticipated attendees, or any other associated logistical needs that would impact City resources or staff.

Additionally, the City Manager recommends that the decision to raise such special designation flags or flags of foreign nations rest solely with the City Council. As such, the policy should be revised to remove the City Manager from the approval process.

ATTACHMENTS

- October 7, 2013 Memo to Council regarding Flag policies of other Bay Area cities
- Existing Flag Policy

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