

City of Hercules, California

Council Policy

PURPOSE

To establish guidelines for: (1) the exhibition of the flag of the United States of America, the California State flag, the Hercules City flag from City buildings and (2) the display of ceremonial flags.

POLICY

It is the policy of the City of Hercules that flags should be displayed in conformance with Federal and State policies, as stated in the Federal Public Law 94-344 94th Congress Joint Resolution; and the State of California Government Code Sections 430 through 439.

In order to establish a policy with respect to the locations and days when the United States of America, California State, and Hercules 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.

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 Hercules City flag.
2. Weather permitting, flags should be displayed daily in front of or at a location near City Hall, and other public facilities equipped to do so 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.
4. The Hercules 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.
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 in the City Council Chambers.
7. On recognized Federal and/or State holidays, and on other special occasions flags should be flown from all locations listed in paragraph A-2 above.

City of Hercules, California

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 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.

B. Ceremonial Flags

The City's flagpoles are not intended to serve as a forum for free expression by the public. The City shall display commemorative flags only if authorized by the City Council as an expression of the City's Official sentiments. Any such authorization shall be given at a duly noticed meeting of the City Council.

- [1.] The City Council shall ~~only~~ consider a request to display a commemorative flag if the request is made by a member of the Hercules City Council, and approved by the City Council at a City Council meeting; pursuant to the two-step process set forth in the City Council's adopted Rules of Procedure. Staff may also make a request for City Council approval to display a commemorative flag.
- 1.[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-one (31) continuous days.
- 2.[3.] Commemorative flags shall be displayed exclusively at the Hercules Civic Center. Such flags may be displayed on the Civic Center flag poles or on one or more buildings at the Civic Center. Only one (1) commemorative flag will be allow to be flown at a time on the flag pole at the Hercules Civic Center.
- 3.[4.] Commemorative flags displayed on the Hercules Civic Center flagpoles shall be displayed in the last position of honor beneath the City of Hercules Flag, and to the extent such display does not conflict with federal law, state law, or this policy.
- 4.[5.] Commemorative flags are not consider as religious flags and religious flags are not allow to be flown on the City's flag poles. Religious flags symbolize a set of beliefs concerning the cause, nature, and purpose of the universe, especially when considered as the creation of a superhuman agency or agencies, usually involving devotional and ritual observances, and often containing a moral code governing the conduct of human affairs.