

**CITY OF TEMECULA
AGENDA REPORT**

TO: City Manager/City Council

FROM: Peter Thorson, City Attorney
Randi Johl, Director of Legislative Affairs/City Clerk

DATE: September 26, 2023

SUBJECT: Consider Flag Policy for City Owned Property and Facilities (At the Request of Council Member Alexander)

PREPARED BY: Peter Thorson, City Attorney
Randi Johl, Director of Legislative Affairs/City Clerk

RECOMMENDATION: That the City Council consider a flag policy for City-owned property and facilities and provide general direction regarding the same.

BACKGROUND: On September 12, 2023, the City Council approved the placement of a flag policy on a future agenda for discussion and direction at the request of Council Member Alexander. This item is on the agenda as a result.

The City of Temecula is a general law city formed under the laws of the State of California. As such, the City is required to follow California law for certain operational matters, including the flying of certain flags on public property. Government Code Sections 430-439 set forth the requirements for flying the city, state and national flags on public property. The relevant code sections are attached. In addition, the City is obligated to follow case law on the matter. The Supreme Court addressed the flying of flags on public property in its decision in *Shurtleff v. City of Boston*. The City does not have its own written flag policy indicating which, if any flags, are flown on City owned property and facilities. As a matter of long-standing practice and since incorporation, the City only flies the city, state, and national flags on its public properties. The POW flag is flown at Veterans Park and the Duck Pond. The City does not have a practice of flying any other flags, including those from various groups. Should a current Council wish to adopt a flag policy, or any other policy, it is not binding and is subject to change by the existing and/or future Council(s).

It is recommended that the City Council discuss (1) whether it wishes to have a flag policy, and (2) if yes, what practices it wishes to see in such policy. Staff will receive the direction provided by the City Council and then return for further action as requested.

FISCAL IMPACT: None

ATTACHMENTS: California Government Code Sections 430-439 and Sample Policy