



FAIRFAX TOWN COUNCIL MEETING STAFF REPORT

MEETING DATE May 1, 2024
PREPARED FOR Mayor and Town Council
PREPARED BY Janet Coleson, Town Attorney
SUBJECT Adoption of Resolution amending the Flag Display Policy to specifically include the display of banners on Town light poles.

RECOMMENDATION

Adopt the attached resolution amending the Flag Display Policy to specifically include the display of banners on Town light poles.

BACKGROUND

At the May 4th, 2022, Town Council Meeting, the Town Council approved a Flag Display Policy governing the display of flags on and around Town Hall. The existing Flag Display Policy now has been amended to include the display of banners on Town light poles.

DISCUSSION

The existing Flag Display Policy was adopted by the Town Council on May 4th, 2022. Since that time, the Town has been exploring the display of banners as a means of expressing Town sentiments.

The attached resolution and policy amend the existing Flag Display Policy to include the display of banners on Town light poles. The provisions that the Town is expressing official Town government sentiments through the display of commemorative flags and/or banners, no public forum is being created through any such display, and the Town is reserving the display areas for its own speech and is not creating any forum for public expression, remain. Any request to display banners on Town light poles must be brought forward by a Town Council member and third-party requests are not permitted. All displays must be authorized by the Town Council.

FISCAL IMPACT

None.

ATTACHMENT

Resolution with Flag Display Policy attached as Exhibit A.

RESOLUTION 24-__

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FAIRFAX
ADOPTING A FLAG AND BANNER DISPLAY POLICY**

WHEREAS, the Town of Fairfax displays the United States flag and the California State flag at Fairfax Town Hall; and,

WHEREAS, the Town's flagpoles and/or light poles are not intended to be a forum for free expression by the public; and

WHEREAS, the Town Council desires to establish a policy that provides guidance and standards for the display of flags and commemorative flags at Town Hall, and banners on Town light poles throughout the Town;

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Fairfax that the Flag and Banner Display Policy for the Town of Fairfax attached hereto and incorporated herein as Exhibit A is hereby adopted.

The foregoing Resolution was duly passed and adopted at a regular meeting of the Town Council of the Town of Fairfax held in said Town on the 1st day of May 2024 by the following vote, to wit:

AYES:

NOES:

ABSENT:

Barbara Coler, Mayor

ATTEST:

Christine Foster, Deputy Town Clerk

EXHIBIT A

Flag and Banner Display Policy

Section 1. Purpose:

The purpose of this policy is to establish clear guidelines for the display of flags at Town Hall and banners throughout the Town of Fairfax. This policy applies to the Town's flagpoles at the Town Hall building, future Town flagpoles on Town property, flagpole mounts on all Town property and Town light poles throughout the Town of Fairfax.

In adopting this policy, the Town Council declares that the Town of Fairfax's flag and/or banner displays do not serve as a forum for free expression of the public, but rather for the display of Federal and State flags, and commemorative flags or banners as may be authorized by the Town Council. Such displays or commemorative flags and/or banners serve as an expression of the Town's official sentiments and are not meant to create a public forum.

Section 2. Policy.

2.1. Flags shall be displayed in accordance with federal and state regulations, including Title 4, Chapter 1 of the United States Code, and California Government Code sections 430 through 439.

2.2 Fairfax Town Hall.

- A. The United States Flag shall be flown at Fairfax Town Hall.
- B. The California State Flag shall be flown at Fairfax Town Hall.
- C. If both the United States Flag and the California Flag are flown, they shall be of the same size. The United States Flag shall be displayed in the first position of honor.
- D. If the same flagpole is used, the United States Flag shall be flown above the State Flag.
- E. As there is currently one flagpole at the Town Hall facility, should the flags be displayed at the same level, the United States Flag should be flown to the (flag's own) right of all other flags.
- F. Flags should be hoisted briskly and lowered ceremoniously. The United States Flag should be hoisted first and lowered last.
- G. To comply with federal guidelines, management of the flagpole is delegated to the Ross Valley Fire Department.

2.3 Commemorative Flags and/or Banners

- A. Commemorative flags shall be displayed exclusively at the Fairfax Town Hall building on the flagpole mount on the front wall of the Town Hall building, below the roofline above the front door to the Town Hall public lobby. Banners may be displayed only on light poles throughout the Town.
- B. The Town's flag and/or banner displays are not intended to serve as a forum for free expression by the public, and accordingly, no public forum is created by any such display. The Town shall display commemorative flags and/or banners only if authorized by a resolution of the Town Council as an expression of the Town's official sentiments. The Town will not use its flagpoles, flagpole mounts or light poles to sponsor the expression of a third party.
- C. The Town Council shall only consider a request to display a commemorative flag and/or banner if the request is made by a member of the Fairfax Town Council.
- D. Commemorative flags and/or banners shall be displayed for a period of time authorized by resolution of the Town Council.