



City of San Leandro

Meeting Date: November 6, 2017

Staff Report

File Number: 17-598 **Agenda Section:** CONSENT CALENDAR

Agenda Number: 8.H.

TO: City Council

FROM: Chris Zapata
City Manager

BY: Jeff Kay
Assistant City Manager

FINANCE REVIEW: Not Applicable

TITLE: Staff Report for a Resolution Amending Chapter 7 of the San Leandro Administrative Code Chapter Regarding the City's Flag Policy

SUMMARY AND RECOMMENDATIONS

Staff recommends that Council adopt a resolution, amending Chapter 7, Flag Policy of the San Leandro Municipal Code, to remove the City Manager from the approval process, and for the City Manager to develop requirements for requests for special flag designations.

BACKGROUND

During a review of the City's administrative code, it was discovered that on March 17, 2014 and May 5, 2014 the City Council approved motions to amend the City's flag policy to remove the City Manager from the approval process and to develop procedures for requests for special flag designations. Existing policies that govern flag status at City Hall are outlined in Chapter 7, Section 1.7 of the San Leandro Administrative Code. Section 1.7.205, 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."

After discussions regarding the flag policy in 2014, staff did not immediately move forward with the Council's recommendation to amend the Administrative Code. At this time, staff would like to clean up the Administrative Code to reflect the current practice which is to allow the flag approval process to rest with the City Council.

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 Mayor. As such, the policy should be revised to remove the City Manager from the approval process.

ATTACHMENTS

- Updated Flag Policy

PREPARED BY: Tamika Greenwood, City Clerk

TITLE 1 CITY COUNCIL

Chapter 7 Flag Policy

ARTICLE 1 POLICY ON LOWERING FLAGS

§1.7.100: POLICY ON LOWERING FLAGS ON CITY PROPERTY TO HALF-MAST.

The purpose of this administrative policy is to establish a uniform policy to govern the lowering of the United States, State and City flags to half-mast on City-owned property to pay homage to the deceased.

§1.7.105: APPLICABILITY.

As a general rule, City flags shall be placed at half-mast during periods of mourning declared by the Governor of California or the President of the United States. Flags shall also be lowered upon the death of a current or former City elected official and of a current City employee as set forth below. All other situations are to be referred to the ~~Mayor~~ ~~City Manager~~.

§1.7.110: PROCEDURES.

The Public Works Services staff will be responsible for the lowering of the United States, State and City flags to half-mast at City Hall. For City Hall only, the Mayor ~~or City Manager~~ will make the determination to lower the United States, State and City flags to half-mast.

For all other City facilities (community centers, libraries, corporation yard, sanitation plant, parks, etc.), the respective department head will designate specific staff to do the same under the following circumstances*:

- (a) {Reserved};
- (b) When prescribed by the President of the United States for days of national mourning, or by the Governor of California;
- (c) Thirty days after the death of a President or former President;
- (d) Ten days after the death of the U.S. Vice President, the Chief Justice, or a retired Chief Justice, or the Speaker of the House of Representatives;
- (e) From the day of death until the burial of an Associate Justice, a Secretary from an executive or military department, or the governor of a state;
- (f) From the day of death until the burial of a California Senator; the Congressional Representative for San Leandro; the State Senator or Assemblymember representing San Leandro; and/or the County Supervisor representing San Leandro.

(g) When prescribed by the ~~Mayor~~ **City Manager**, or in his/her absence the ~~Assistant City Manager~~, in accordance with the following guidelines:

- (1) From the day of death until burial of any:
 - (i) City Councilmember of the City of San Leandro, past or present;
 - (ii) City employee whose death occurred during the discharge of duty;
 - (iii) City employee or retiree having served the City for 25 or more years.
- (2) Upon authority issuing from the ~~Mayor's~~ **City Manager's** Office, similar recognition may be given in the case of a prominent citizen not holding or having held public office, whose accomplishments and contributions to the community clearly demonstrated a commitment over and beyond that which would be normally associated with the performance of work.
- (3) Flags will be lowered to half-mast as soon as practicable following notification of death of the above, and will ordinarily be continued until after the conclusion of burial services. In the event current notice is not given or the date of funeral is unknown, as is frequently the case, flags will be lowered for 48 hours from the day of notification.
- (4) Any person having definite knowledge of a death requiring City acknowledgment should immediately advise the ~~Mayor's~~ **City Manager's** Office as the central point for notification of those responsible for handling our flags. Should contact with this office be impracticable, the information should be given, in order, to the Director of Public Works Services or to the Police Chief, who will then become responsible for taking action in conformity with the policy herein outlined.

* Reference: U.S. Flag Code, adopted by the United States Congress, as amended by Congress and the President of the United States.

§1.7.115: COUNCIL ACTION.

The City Council, upon notification of the death of the above stated, may elect to adjourn a City Council meeting in respect of the deceased.

ARTICLE 2 POLICY ON RAISING FLAGS

§1.7.200: POLICY ON RAISING FLAGS AT CITY HALL.

The purpose of this administrative policy is to establish a uniform policy to govern the raising of special flags at City Hall.

§1.7.205: APPLICABILITY.

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.

§1.7.210: PROCEDURES.

Requests for raising of special designation flags will be made in writing to the Mayor's ~~City Manager's~~ Office. Such requests will include the length of time the special designation flag is to be flown **and a detailed assessment of the ancillary needs associated with the request**. The Mayor ~~City Manager~~ will notify the City Council of the request and his/her action.

~~In the case that the request is directed to the City Council in writing, the item will be referred to the City Manager for action.~~

Upon approval, the Public Works Services staff will be responsible for raising the special designation flag. Public Works will also be responsible for either storing the flag or returning the flag to the requestor, as appropriate.

Children's Memorial Flag. In 1997, the County Board of Supervisors advised the City that the City was expected to fly the Children's Memorial Flag on two occasions. The first would be in the event of the death of a child due to violence in San Leandro. City Hall and County offices would be expected to fly the flag on the Friday following the death. The second is a standing annual event where every City, School District and County office is asked to fly the flag on the fourth Friday of each April. Otherwise, there is no expectation to have the flag flown at City Hall.

Legislative History:

Resolution No. 98-127, 10/05/1998 [§§1.7.100-1.7.115]; Resolution No. 98-156, 12/07/1998 [§§1.7.200-1.7.210]; Resolution No. 2005-156, 11/21/2005 [§1.7.110(a)]

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City of San Leandro

Meeting Date: November 6, 2017

Resolution - Council

File Number: 17-599 **Agenda Section:** CONSENT CALENDAR

Agenda Number:

TO: City Council

FROM: Chris Zapata
City Manager

BY: Jeff Kay
Assistant City Manager

FINANCE REVIEW: Not Applicable

TITLE: RESOLUTION Amending Chapter 7 of the San Leandro Administrative Code
Regarding the City's Flag Policy

WHEREAS, on May 19, 2014 the City Council approved staff to update the Administrative Code to remove the City Manager from the approval process; and

WHEREAS, on March 17, 2014 the City Council approved staff to update the Administrative Code for the City Manager to develop procedures for the processing of requests to raise special flags; and

WHEREAS, there was such controversy surrounding the flag policy in 2014 that staff did not immediately implement the Council's motion to amend the Code; and

WHEREAS, the City is now prepared to move forward with the approved amendments to the Administrative Code.

NOW, THEREFORE, the City Council of the City of San Leandro does hereby resolve as follows:

That Title 1, Chapter 7-Flag Policy, of the San Leandro Administrative Code, is hereby amended as follows:

That Title 1, Chapter 7 Section 1.7.110 will be amended to remove the City Manager from the approval process.

That Title 1, Chapter 7 Section 1.7.210 - will require requests for special designation flags to be made in writing to the City Council and that the applicant will provide a detailed assessment of the ancillary needs associated with the request.