

**RESOLUTION NO. 2022-131**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELK GROVE  
ADOPTING AN AMENDED CITY OF ELK GROVE FLAG POLICY**

**WHEREAS**, the City Council adopted Resolution No. 2019-215 on September 25, 2019, which established a City Flag Policy to govern the display of flags on City-owned property, facilities, and buildings; and

**WHEREAS**, flagpoles owned or maintained by the City are not intended to serve as a forum for expression by the public but are to be used exclusively by the City as a non-public forum for the City's messages and speech, and no flag other than those listed in the City of Elk Grove Flag Policy may be flown on City-owned property; and

**WHEREAS**, the City of Elk Grove wishes to amend the Flag Policy to allow for the display of the Progress Pride Flag at City Hall to commemorate the observance of Pride Month during the month of June each year; and

**WHEREAS**, the City has determined the Progress Pride Flag is in line with the mission, vision, and values of the City and is a symbol of the City of Elk Grove's continuing commitment to being a City welcome to all and demonstrates that City Hall is an inclusive gathering space; and

**WHEREAS**, the City does not display a flag simply based on a request from a third party, nor will the City use its flagpoles to sponsor the expression of a third party; and

**WHEREAS**, the City Council may from time to time review its Flag Policy and determine in its sole discretion if modifications in line with its mission, vision, and values are appropriate.

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Elk Grove does hereby adopt the amended City of Elk Grove Flag Policy attached hereto as Exhibit A and incorporated herein by reference, to include the Progress Pride Flag in the list of flags approved to be flown on City-owned property.

**PASSED AND ADOPTED** by the City Council of the City of Elk Grove this 25<sup>th</sup> day of May 2022




BOBBIE SINGH-ALLEN, MAYOR of the  
CITY OF ELK GROVE

ATTEST:

  
JASON LINDGREN, CITY CLERK

APPROVED AS TO FORM:

  
JONATHAN P. HOBBS,  
CITY ATTORNEY

**EXHIBIT A**

**CITY OF ELK GROVE  
FLAG POLICY**

**Table of Contents**

I. PURPOSE..... 1

II. SCOPE..... 1

III. DEFINITIONS..... 1

IV. GENERAL PROVISIONS ..... 2

V. HALF-STAFFING OF FLAGS..... 3

VI. MILITARY FLAGS ..... 3

VII. STREET FLAGS..... 3

VIII. PROGRESS PRIDE FLAG..... 3

EXHIBIT 1: National Flag of the United States..... 4

EXHIBIT 2: State Flag of California..... 4

EXHIBIT 3: Flag of the City of Elk Grove ..... 5

EXHIBIT 4: Official Flags of the Five Military Branches

    Army..... 5

    Marine Corps..... 6

    Navy..... 6

    Air Force ..... 7

    Coast Guard..... 7

EXHIBIT 5: Official POW-MIA Flag ..... 8

EXHIBIT 6: Progress Pride Flag ..... 8

## I. PURPOSE

The purpose of this Flag Policy is to establish City guidelines for the exhibition and display of flags on City-owned property within the limits of the City of Elk Grove. The City recognizes that flags can be powerful symbols of honor, pride, and identity, and the City wishes to institute a Flag Policy promoting these ideals.

## II. SCOPE

This Flag Policy applies to all flags flown by the City at any City-owned property. This Flag Policy is adopted pursuant to and consistent with the government speech doctrine. Nothing herein shall be construed to create a public forum of any kind or type, whether unlimited, limited, designated, or otherwise, with respect to any flagpole(s) on City-owned property.

## III. DEFINITIONS

- A. **Flag:** A “flag” is as defined in Elk Grove Municipal Code section 23.100.020(F), as now existing or hereafter amended. Flags shall not be considered banners, and banners shall not be considered flags. (See EGMC Chapter 23.100 for further definitions).
- B. **Military Flag:** Each of the official flags which represent the five branches of the U.S. military, which will be flown in order of establishment: The Army, the Marine Corps, the Navy, the Air Force and the Coast Guard. Also included under this definition is the prisoner-of-war/missing-in-action (“POW-MIA”) flag.
- C. **Street Flag:** Flag flown in a flagpole mount generally attached to city streetlights.
- D. **Progress Pride Flag:** A flag that symbolizes lesbian, gay, bisexual, transgender, queer, intersex, and asexual pride, and LGBTQIA+ social movements, including marginalized LGBTQIA+ communities of color.
- E. **City-Owned Property:** All City-owned or operated buildings, facilities or utility pole that have the flagpoles or a flag holder in place to display flags, and including such flagpoles or flag holders.
- F. **Flagpoles:** All flagpoles and/or flag holders on City-owned property that are under the care and control of City staff.
- G. **Half-staff:** A style of flag display where a flag is flown one-width of the flag below the top of a flagpole.

#### **IV. GENERAL PROVISIONS**

- A. The only flags that may be flown by the City at City-owned Property and flagpoles are the National Flag of the United States of America (as defined by United State Code Title 4, Chapter 1), the official flag of the State of California (as defined by California Code Title 1, Division 2, Chapter 2), the official flag of the City of Elk Grove, Military flags (at District56, formerly known as the Civic Center), and the Progress Pride Flag (at 8401 Laguna Palms Way), all as further set forth in this Flag Policy, and as identified at Exhibits 1 through 6, attached hereto and incorporated herein by reference.
- B. The City Facilities Department shall maintain an accurate inventory of City-maintained flags.
- C. The Flag of the United States of America will always be displayed in a position of priority.
- D. The order of precedence for displaying flags will be as follows:
  - 1) The National flag of the United States of America
  - 2) The official flag of the State of California
  - 3) The official flag of the City of Elk Grove
  - 4) Military Flags as defined.
  - 5) Progress Pride Flag as defined.
- E. According to the U.S. Flag Code, Section 6a: It is universal custom to display the flag only from sunrise to sunset on buildings and on stationary flagstaffs in the open. However, when a patriotic effect is desired, the flag may be displayed up to twenty-four hours a day if properly illuminated during the hours of darkness. The Code does not indicate what “properly illuminated” means. However, “The American Legion interprets ‘proper illumination’ as a light specifically placed to illuminate the flag (preferred) or having a light source sufficient to illuminate the flag so it is recognizable as such by the casual observer.” For the purpose of this policy, the City finds that a street light provides a light source for proper illumination of a flag affixed to a street light pole and authorizes such lighting for a flag.
- F. Flags identified at section IV.A. of these General Provisions of this Flag Policy are not to fall, lie on, or touch the ground when being carried or displayed.
- G. Flags displayed at City-owned Property pursuant to this Flag Policy shall be displayed in accordance to the official protocols by the Federal Government and the State of California.
- H. City Facilities department staff shall be the responsible City division for inspecting the flags that fly at City-owned Property for wear and tear.
- I. City flags identified herein may be displayed in the City Council Chambers and other indoor City-owned Property, as directed and authorized by the City Council or the City Manager.

## **V. HALF-STAFFING OF FLAGS**

- A. "Half-staff" is a style of flag display where a flag is flown from below the top at one width of the flag.
- B. All flags displayed on City-owned property pursuant to this Flag Policy will be flown half-staff on the following occasions:
- By order of proclamation by the President of the United States
  - Peace Officer's Memorial Day, May 15
  - Memorial Day, last Monday in the month of May from sunrise to 12:00 pm
  - Patriot Day, September 11
  - Pearl Harbor Remembrance Day, December 7
- C. The City Manager may also authorize flying of the City flag, or any flag that has replaced this flag, subject to this Flag Policy at half-staff at their discretion. Occasions appropriate for flying such flag at half-staff include, but are not limited to:
- The death of a current or former Mayor or City Councilmember
  - The death of a prominent federal or state government official
  - The death of a City employee or member of the public safety community
  - The death of a prominent resident or other prominent person
  - A significant community event

## **VI. MILITARY FLAGS**

Military Flags may be flown by the City at the Veterans' Grove located at District 56, formerly known as the Elk Grove Civic Center, and Military Flags shall be so flown unless the City Manager, in their discretion, finds that flying such flags at a given time substantially risks significant damage to property or impairs the general health, safety, and welfare of the City.

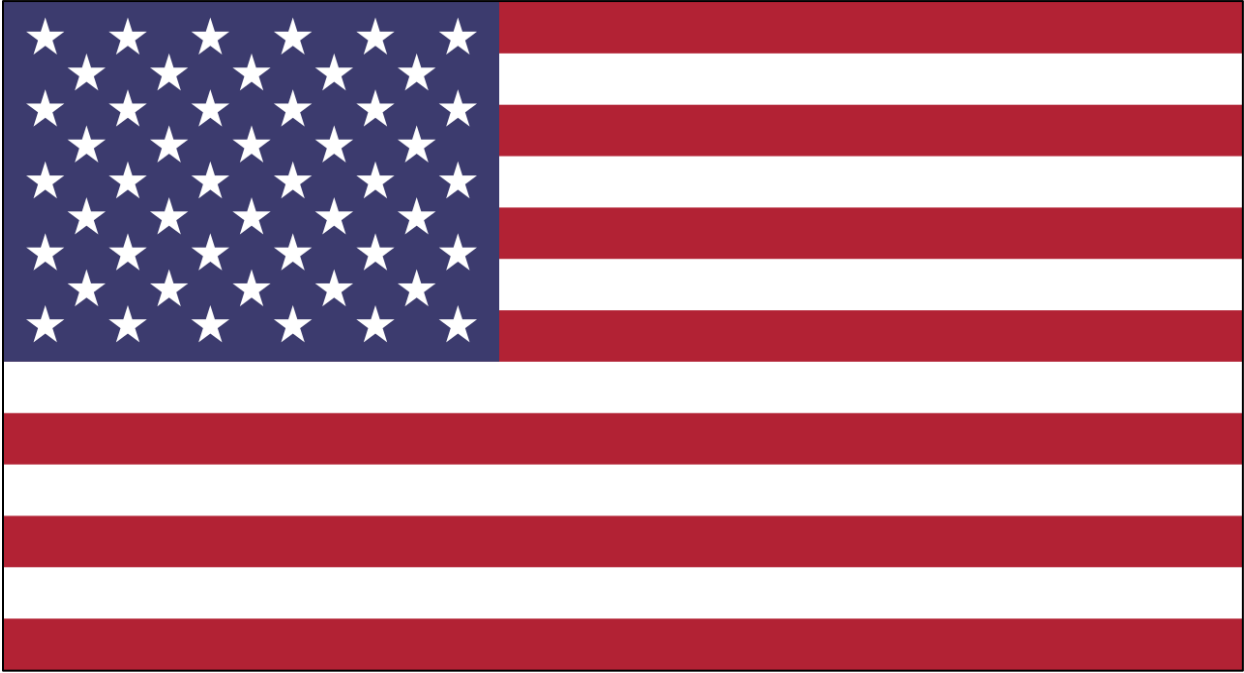
## **VII. STREET FLAGS**

Street flags may be mounted to streetlight poles at various observances throughout the year. Only the United States Flag may be flown along the streetlight poles to ensure the flying of the flag is consistent with the Federal Flag code regulations.

## **VIII. PROGRESS PRIDE FLAG**

The Progress Pride Flag may be flown by the City at the City Hall campus building located at 8401 Laguna Palms Way each year during the month of June to commemorate the observance of Pride Month honoring the diversity of the LGBTQIA+ community.

**EXHIBIT 1: National Flag of the United States**



**EXHIBIT 2: State Flag of California**



**EXHIBIT 3: Flag of the City of Elk Grove**

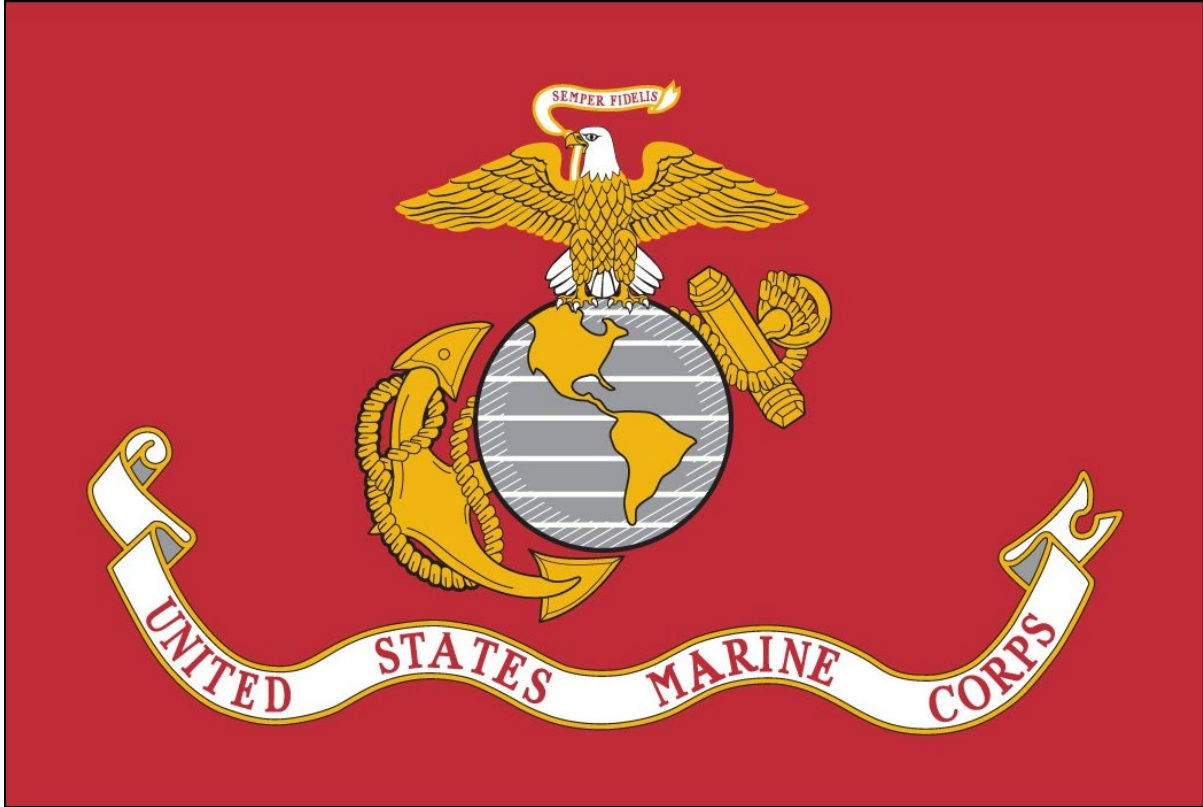


**EXHIBIT 4: Official Flags of the 5 Military Branches**

**Army**



**Marine Corps**

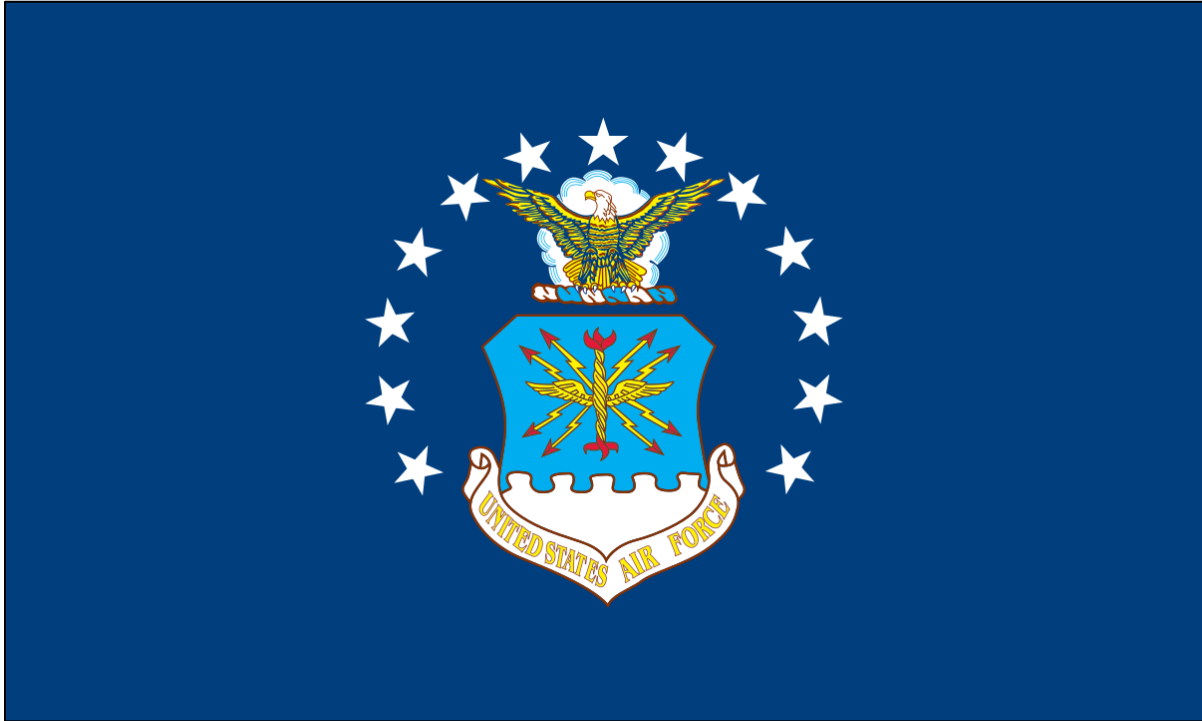


**Navy**





**Air Force**



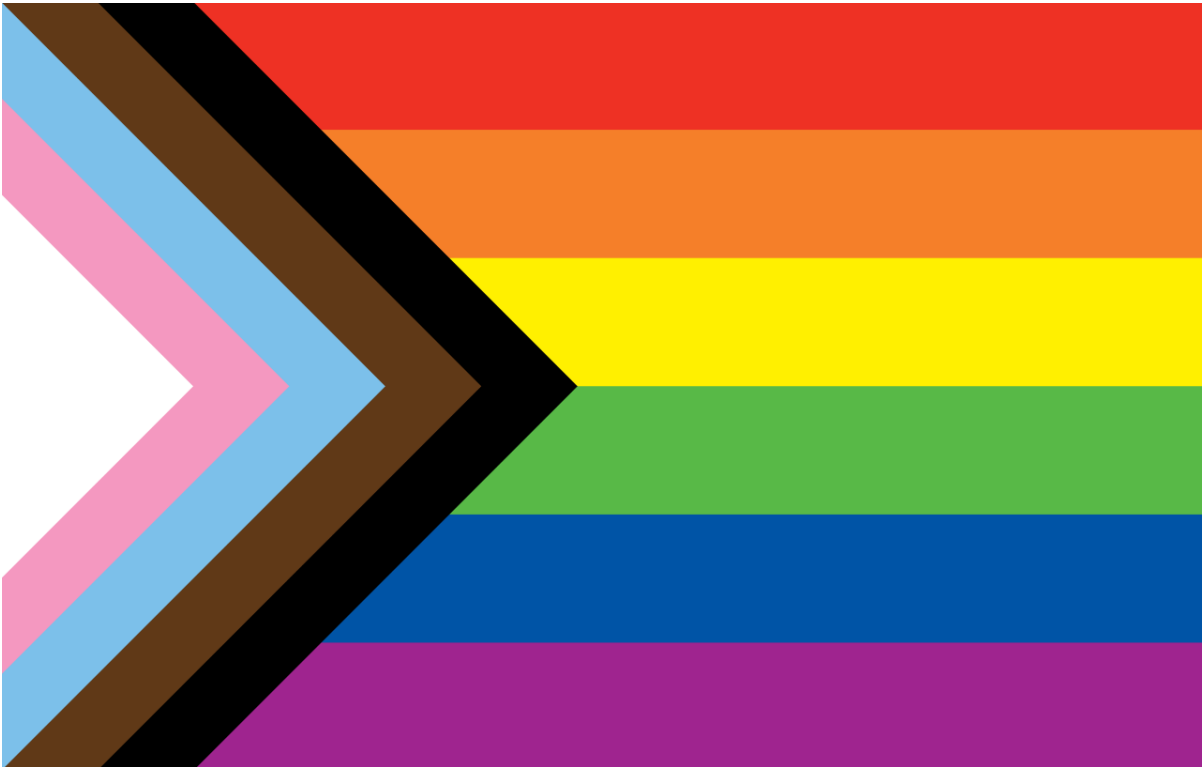
**Coast Guard**



**EXHIBIT 5: Official POW-MIA Flag**



**EXHIBIT 6: Progress Pride Flag**



**CERTIFICATION**  
**ELK GROVE CITY COUNCIL RESOLUTION NO. 2022-131**

STATE OF CALIFORNIA        )  
COUNTY OF SACRAMENTO    )       ss  
CITY OF ELK GROVE         )

*I, Jason Lindgren, City Clerk of the City of Elk Grove, California, do hereby certify that the foregoing resolution was duly introduced, approved, and adopted by the City Council of the City of Elk Grove at a regular meeting of said Council held on May 25, 2022 by the following vote:*

**AYES:**        **COUNCILMEMBERS:** *Singh-Allen, Suen, Hume, Spease, Nguyen*

**NOES:**       **COUNCILMEMBERS:** *None*

**ABSTAIN:**   **COUNCILMEMBERS:** *None*

**ABSENT:**   **COUNCILMEMBERS:** *None*

  
\_\_\_\_\_  
**Jason Lindgren, City Clerk**  
**City of Elk Grove, California**