

ITEM 10.O.

MOORPARK CITY COUNCIL AGENDA REPORT

TO: Honorable City Council

FROM: Deborah S. Traffenstedt, Administrative Services Director/City Clerk *DST*

DATE: August 27, 2009 (CC Meeting of 09/02/2009)

SUBJECT: Consider Revisions to Council Policy 6.1, Flag Etiquette

BACKGROUND/DISCUSSION

The City facilities with exterior flagpoles are as follows: City Hall Community Center, Arroyo Vista Recreation Center, Police Services Center, Public Services Facility, Moorpark Chamber of Commerce Office (City owned site), and Veterans Memorial.

The groundbreaking ceremony for the City's new Veterans Memorial site took place on May 16, 2009, at the corner of Spring Road and Flinn Road. Staff is in receipt of a request from Commander, Jim Carpenter of Moorpark Post 502 of the American Legion (see Attachment 2), to permit Post 502 to lower the flag to half-staff on the following occasions and for the indicated lengths of time:

Memorial Day – half-staff until noon (occurs in the month of May);

Korean War Veterans Remembrance Day – half-staff all day until sunset (July 27);

Patriots Day – half-staff all day until sunset (September 11); and

Pearl Harbor Remembrance Day – half-staff all day until sunset (December 7).

As a follow-up to the Post 502 request, staff reviewed the City Council Flag Etiquette Policy (Policy 6.1 of Resolution No. 2009-2811) and the latest United States (U.S.) Flag Code language (in Titles 4 and 36). Staff has made edits to the City's Flag Etiquette Policy to make it more consistent with the U.S. Flag Code, and Attachment 1 to this report shows the draft revisions through the use of legislative format. There is specific direction in the U.S. Code for when the U.S. flag is to be flown half-staff, such as on Memorial Day (sunrise to noon) and Peace Officers Memorial Day (sunrise to sunset), and if a proclamation is adopted by the President, also on Patriots Day (September 11) and Pearl Harbor Remembrance Day (December 7). Per the U.S. Code (36 USC Sec 127), the flying of the flag at half staff on July 27, National Korean War Veterans Armistice Day, was to be done through 2003; therefore, the U.S. flag is no longer required to be lowered on that day and there has been no language added to Policy 6.1 pertaining to July 27 (this is consistent with Veterans Day, for which day the flag is flown but not lowered to half-staff).

Staff has added a sentence to No. 10 of the revised Flag Policy (Attachment 1) to clarify that the City Manager may delegate certain ceremonial flag lowering responsibilities at the Moorpark Veteran's Memorial to the American Legion. Following approval of the policy, staff's intent would be to prepare a letter to American Legion Post 502 specifying the days for which they would be permitted to lower the flags to half-staff for the Veterans Memorial, as listed on the prior page, and including National Korean War Veterans Armistice Day (July 27) for the Veterans Memorial, only, to permit Post 502 to continue their tradition in Moorpark.

If the revised Flag Etiquette Policy (Attachment 1) is approved by the City Council, the revised policy would be incorporated into the City Council Policies Resolution at the time of the next update. Staff's intent is to have the revised policy adopted prior to Patriots Day on September 11.

FISCAL IMPACT

Following the U.S. Flag Code more consistently could result in additional staff time for the purpose of lowering the flags to half-staff (and then raising the flags) on designated days at all City facilities with exterior flagpoles.

STAFF RECOMMENDATION

Approve revisions to City Council Policy 6.1 included in Attachment 1 of the agenda report, and direct staff to incorporate the revised policy into the next update of the City Council Policies Resolution.

Attachments:

1. Draft Revised Policy 6.1
2. Email from Commander James Carpenter, Post 502 of the American Legion

ATTACHMENT 1

Policy 6.1: Flag Etiquette

1. The Flag of the United States of America and the Flag of the State of California will be displayed at each municipal facility which has an appropriate flagpole.
2. The National and State Flags are to be displayed daily from the start of the business day through the close of the business day during the normal work week. Flags may be flown 24 hours per day if appropriately lighted.
3. Flag etiquette allows the flag to be displayed during inclement weather provided it is made of all weather material (such as the flags the City uses). If it rains after raising of the flag, the flag will remain on the pole. If it is raining prior to raising the flag, the flag will not be raised; however, it may be raised later, weather permitting, and remain until close of the business day.

4. Flags will be flown at half-staff as follows:

A. When ordered by the President or the Governor of the State in the event of the death of a present or former official as follows:

President, Ex-President or <u>former President-elect</u>	30 days <u>from the day of death</u>
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Vice President, the Chief Justice or Retired Chief Justice of the United States or the Speaker of the House of Representatives	10 days <u>from the day of death</u>
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Associate Justice of the Supreme Court; a Secretary of an executive or military department; a former Vice President; or Governor of a State, territory or possession.	Day of death to day of interment
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Member of Congress	Day of death and day following <u>day</u>
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By order of the President	Period to be prescribed
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By order of the Governor; at the death of any local public safety officer killed in the line of duty.	Day of death to day of interment
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B. On Memorial Day, the last Monday in May, flags will be flown at half-staff from sunrise until noon; and on Peace Officers Memorial Day, May 15, flags will be flown at half-staff from sunrise to sunset, unless that day is also Armed Forces Day, the third Saturday in May.

C. On Patriot Day (September 11) and National Pearl Harbor Remembrance Day (December 7), flags will be flown at half-staff from sunrise to sunset if the President issues a proclamation each year directing the flag of the United States to be flown at half-staff on September 11 and December 7.

5. Flags will be flown at half-staff from the day of death to the day of interment for any currently seated Member of the City Council, Member of the City Council Elect or any previously seated Member of the City Council, not to exceed 14 calendar days.
6. Flags will be flown at half-staff from the day of death to the day of interment for any currently serving City Manager or City Department Head, not to exceed 14 calendar days.
7. Flags will be flown at half-staff from the day of death to the day of interment for any City employee or local public safety officer killed in the line of duty, not to exceed 14 calendar days.
8. When a flag is no longer fit for display, it will be destroyed in a dignified way such as by an American Legion Post at Flag Disposal Ceremonies on Flag Day (June 14) each year.
9. It is the responsibility of the Parks, Recreation and Community Services Department, ~~or the service contractor of an offsite municipal building (such as City Engineering/Building & Safety),~~ to display the National and State Flags at municipal facilities in accordance with the United States Flag Code (includes Title 4, Chapter 1, The Flag) and the pamphlet "Our Flag" published by the Joint Committee on Printing United States Congress by authority of House Concurrent Resolution 361, 100th Congress (includes Title 36, Chapter 10 of the United States Code).
10. The City Manager or his designee is to determine at what location(s) flags are to be flown 24 hours and for ceremonial purposes. The City Manager may delegate

certain ceremonial flag lowering responsibilities at the Moorpark Veteran's Memorial to the American Legion.

11. The flag policy for the City of Moorpark Police Services Center shall be consistent with Nos. 1 through 10 of this Flag Etiquette Policy and will also include the following provisions:
 - A. Flags may be flown at half-staff and for the same length of time as followed by the Ventura County Sheriff's Department (Sheriff), consistent with other facilities managed by the Sheriff, so long as the Sheriff's Department is a tenant at the Police Services Center; and
 - B. Flags may be flown at half-staff and for the same length of time as followed by the California Highway Patrol (CHP), consistent with other facilities managed by the CHP, so long as the CHP is a tenant at the Police Services Center.

ATTACHMENT 2

Stephanie Shaw, Recreation Supervisor
City of Moorpark
(805) 517-6302

-----Original Message-----

From: James Carpenter [mailto:carpenterjg@msn.com]
Sent: Thursday, July 23, 2009 12:16 PM
To: Stephanie Shaw
Subject: Request to lower the flags at the Veterans Memorial site.

Stephanie,

As follow up to our conversation Wednesday, 07-22, we request the lowering of the flags to 1/2 staff at the Veterans Memorial site on the following days:

May (date varies) Memorial Day - our Post will conduct ceremonies at the site.
Flags at 1/2 staff until noon only.

July 27 Korean War Veterans Remembrance Day - all day until sunset.

Sept. 11 Patriots Day - all day until sunset.

December 07 Pearl Harbor Remembrance Day - all day until sunset.

NOTE: May (3rd Sat.) Armed Forces Day - the flags are not lowered.
This is sometimes a conflict when the date is the 15th (Peace Officers Memorial Day)

These are the days we are concerned with and would appreciate consideration for if the city would approve. I know some of these days are already in your schedule. If some are not we respectfully request they be included or at least that we be allowed to do so at the Memorial site.

Thank you for your effort on our behalf and I will await your reply.

Jim Carpenter
Commander
Moorpark Post 502
The American Legion