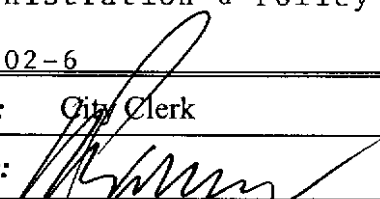




POLICY AND PROCEDURE

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| Subject: Flag Policy | Index: Administration & Policy Mgt. Number: 102-6 |
| Effective Date: Immediately 6-1-2002 | Prepared By: City Clerk |
| Supersedes: New | Approved By:  |

1.0 PURPOSE:

The purpose of this policy is to ensure the appropriate, systematic and consistent display of the Flag of the United States of America, Flag of the State of California, and other flags at City facilities.

2.0 ORGANIZATIONS AFFECTED:

All City Departments and Divisions
Orange County Sheriff's Department (within City of San Clemente boundaries)
Orange County Fire Authority (within City of San Clemente boundaries)

3.0 REFERENCES:

United States Code, Title 4 (Flag Code)
California Government Code, Section 430 et seq.
Flag Customs and Honors Relating to the California Bear Flag

4.0 POLICY:

4.1 The Flag of the United States of America, together with the Flag of the State of California, shall be displayed daily on exterior flagpoles at major City facilities. Locations at which the Flags are to be displayed include, but are not limited to, City Hall, Community Center, Community Development Department, Maintenance Yard, police and fire stations located within the boundaries of San Clemente, and other City property where flagpoles exist, e.g., certain City parks.

4.2 All laws, regulations and guidelines relating to the display of the Flag of the United States of America and the Flag of the State of California, as specifically set forth in the United States Code and the California Government Code, shall be honored. Applicable policies and customs include, but are not limited to, the following:

4.2.1 Proper respect for the Flag of the United States of America and the Flag of the State of California shall be demonstrated at all times.

- 4.2.2 The Flag of the United States of America and the Flag of the State of California shall be hoisted briskly and lowered slowly and ceremoniously.
- 4.2.3 The Flag of the United States of America and the Flag of the State of California shall be displayed only from sunrise to sunset if illumination is not provided. If properly illuminated, the Flags may be displayed 24 hours per day.
- 4.2.4 The Flag of the United States of America and the Flag of the State of California shall not be displayed on days when the weather is inclement, except when all-weather Flags are utilized.
- 4.2.5 Flags displayed on City property shall be limited to the Flag of the United States of America and the Flag of the State of California. Additional flags, including but not limited to, the POW/MIA flag, may be displayed with the express permission of the City Council and/or City Manager of the City of San Clemente.
- 4.2.6 When flown with other flags on the same halyard, the Flag of the United States of America shall be at the peak, with the Flag of the State of California flying directly below the U.S. Flag in such a manner as to not interfere with any part of the National Flag. Any other flags shall be flown at a position subordinate to the State Flag.
- 4.2.7 When the Flag of the United States of America and the Flag of the State of California are displayed at the same time on separate flagpoles, the staffs shall be of equal height, the Flags shall be of equal size, and the Flag of the State of California shall be positioned to the U.S. Flag's left. The Flag of the United States of America shall be hoisted first and lowered last.
- 4.2.8 The Flag of the United States of America and the Flag of the State of California shall be flown at half-staff during any of the following circumstances:
- 4.2.8.1 During a national day of mourning or remembrance as declared by the President of the United States. The period of time that the Flags remain at half-staff shall be determined by Presidential order.

- 4.2.8.2 During a state day of mourning or remembrance as declared by the Governor of the State of California. The period of time that the Flags remain at half-staff shall be determined by gubernatorial order.
- 4.2.8.3 On Memorial Day each year, the Flags shall be displayed at half-staff until noon only, then raised to the top of the staff.
- 4.2.8.4 Thirty days from the death of the President or a former President; ten days from the day of death of the Vice President, the Chief Justice or a retired Chief Justice of the United States, or the Speaker of the House of Representatives; from the day of death until interment of an Associate Justice of the Supreme Court, a Secretary of an executive or military department, a former Vice President, or the Governor of a State, territory, or possession; and on the day of death and the following day for a Member of Congress.
- 4.2.8.5 By order, and for the period prescribed, by the Orange County Board of Supervisors.
- 4.2.8.6 Upon the death of a current or former City of San Clemente Councilmember or upon the death of a current employee of the City, Orange County Sheriff's Department, or Orange County Fire Authority who dies as a result of injuries sustained in the line of duty. The Flags shall remain at half-staff from the time of death until interment.
- 4.2.8.7 An occasion befitting a local day of mourning or remembrance as determined by the City Manager of the City of San Clemente. The length of time that the Flags remain at half-staff shall be prescribed by the City Manager.

- 4.2.9 When flown at half staff, the Flag of the United States of America and the Flag of the State of California shall be first hoisted to the peak for a moment and then lowered to the half-staff position. The Flags shall be again raised to the peak before they are lowered for the day. When flown from adjacent staffs, the Flag of the United States shall be raised first and lowered last.
- 4.2.10 When the Flag of the United States of America, and/or the Flag of the State of California, deteriorates to such a condition that it no longer serves as a fitting emblem of display, it shall be destroyed in a dignified manner, preferably by burning.
- 4.2.11 The City of San Clemente recognizes that any rule or custom pertaining to the display of the Flag of the United States of America may be altered, modified, or repealed, or additional rules with respect thereto may be prescribed, by the Commander in Chief of the Armed Forces of the United States, whenever deemed to be appropriate or desirable. Any such alteration or additional rule shall take precedence over the practices set forth in this policy.

5.0 DEFINITIONS:

- 5.1 **Half-Staff** – The position of the Flag when it is one-half the distance between the top and bottom of the staff.
- 5.2 **Executive or Military Department** – Any agency listed under Sections 101 and 102 of Title 5, United States Code.
- 5.3 **Member of Congress** – A Senator, Representative, Delegate, or the Resident Commissioner from Puerto Rico.

6.0 PROCEDURE:

- 6.1 City Staff shall implement the Flag Policy as set forth herein. Discretionary decisions shall be referred to, and made by, the City Manager. In the event an immediate decision is needed and the City Manager is not available, the decision shall be made by the highest ranking City employee available.