STAFF REPORT

Meeting Date: September 2, 2014

To: Honorable Mayor & City Council

From: Cheryl Friedling, Deputy City Manager for Public Affairs

Subject: Request by Councilmember Krasne to Review the City's Protocol for Lowering the Flags of the United States and the City of Beverly Hills at City Facilities

Attachments:
1. Photos of Flags at City Hall
2. Flag Protocol Policy – Eden Prairie

INTRODUCTION

Councilmember Krasne has requested that the City Council review the current policy regarding the raising and lowering of flags ('half-staff) as a mark of respect following a tragic event or in commemoration of a holiday.

Currently, the City follows federal and state laws or proclamations and lowers both the US and State flags and the City flag on the dates noted below.

Upon request of the Mayor, flags are also lowered to commemorate an event or situation.

DISCUSSION

In the United States, the President can issue an executive order for the flag of the United States to be flown at half-staff upon the death of principal figures of the United States government, and others, as a mark of respect to their memory.

When such an order is issued, all government buildings, offices, public schools and military bases are to fly their flags at half-staff. Under federal law (4 U.S.C. § 7(f)), the flags of states, cities, and localities shall never be placed above the flag of the United States; thus, all other flags also fly at half-staff when the U.S. flag has been ordered to fly at half-staff.

It is important to note that there is no penalty for failure to comply with the above law as to enforce such a law would violate the First Amendment.

Under 4 U.S.C. § 7(m) and established traditions by Presidential proclamations, the flag of the United States is to be flown at half-staff in following circumstances:

- For thirty days after the death of a current or former president or president-elect, as occurred after the death of President Reagan and the death of President Ford.
- For ten days after the death of a current vice president, current or retired chief justice, or current 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, the President Pro Tempore of the Senate or the governor of a state, territory, or possession.
- On the day of death and the following day for a Member of Congress.
- On Memorial Day until noon.
- Upon presidential proclamation, which has recently included: the interment of Frank Buckles, the death of Senator Ted Kennedy, the remembrance of the 9/11 attacks, the death of Pope John Paul II, the Space Shuttle Columbia disaster in 2003, the victims of Hurricane Katrina, the Indian Ocean earthquake and tsunami, the deaths of Coretta Scott King and Rosa Parks, the Virginia Tech massacre, the Fort Hood massacre, the 2011 Tucson shooting, the funeral of Neil Armstrong, the death of US Ambassador to Libya Chris Stephens, the 2012 shooting in Aurora Colorado, the 2012 Wisconsin Sikh temple shooting, the 2012 Sandy Hook Elementary School shooting, the 2013 Boston Marathon bombings, the death of Nelson Mandela, the 2013 Washington, D.C. Navy Yard shooting, and the 50th anniversary of the assassination of President John F. Kennedy.

Federal law requires the flag be flown at half-staff on Peace Officers Memorial Day (May 15), unless that day is also Armed Forces Day. Yearly presidential proclamations also mandate that the flag be flown at half-staff on Pearl Harbor Remembrance Day (December 7), and Patriot Day (September 11).

On October 16, 2001, President George W. Bush approved legislation requiring the United States flag to be lowered to half-staff on all Federal buildings to memorialize fallen firefighters. Pub.L. 107–51 requires this action to occur annually in conjunction with observance of the National Fallen Firefighters Memorial Service. The date of the National Fallen Firefighters Memorial Service is traditionally the first Sunday in October.

Governors of U.S. states (or territories) are authorized by federal law to order all U.S. and state flags in their jurisdiction flown at half-staff as a mark of respect for a former or current state official who has died, or for a member of the armed forces who has died in active duty. The governor's authority to issue the order is more restricted than the President's and does not include the discretion to issue the order for state residents who do not meet the criteria stated.

Since a governor's executive order affects only his or her state, not the entire country, these orders are distinguished from Presidential proclamations.

The City of Beverly Hills, (and all other cities) has the authority to lower the City flag according to its own protocol. The City, at the direction of the Mayor, has lowered the US, State and City flags on certain occasions in honor of certain events. Most recently, the City flag was lowered in honor of the police officer killed in the Loma Vista accident and again in honor of the tragic deaths of three teenage youth in Israel.

A 'Flag Protocol Policy' from the City of Eden Prairie is attached for review as an example of a formal adopted policy.

FISCAL IMPACT

None.

RECOMMENDATION

Staff seeks direction from the City Council on whether or not the current practice or protocol for lowering the flags to half-staff should be modified.

Cheryl Friedling
Approved By

Attachment 1

Attachment 2

Flag Protocol Policy

Purpose

It shall be the policy of the City of Eden Prairie to raise, lower and display U.S. flags on city property in accordance with proper flag etiquette.

Policy

A. Flying the Flag at Half-Staff

1. On Memorial Day, all city flags shall be lowered to half-staff prior to sunrise. The City Hall flag shall be formally lowered to half-staff at sunrise. All flags shall be raised to full staff at noon.
2. The City shall adhere to all Presidential and Minnesota Gubernatorial Proclamations including:
    a. Lowering flags to half-staff on the day of interment when a public safety officer is killed in the line of duty in Minnesota.
    b. Lowering flags to half-staff on the day of interment when a Minnesota military service person is killed in action.
3. Flags shall be lowered to half-staff from the time of notification of death until sunset on the day of interment for the following occasions:
    a. A City of Eden Prairie Public Safety Officer killed in the line of duty.
    b. A military service person with an Eden Prairie residence killed in action.
4. Flags shall be lowered to half-staff as dictated by Mayoral proclamation for other important occasions such as the death of a sitting city official.

B. Procedure

1. The Governor's Office shall notify Eden Prairie Telecommunications of any proclamation from the Governor regarding the lowering of flags to half-staff.
2. Eden Prairie Telecommunications shall page the Eden Prairie Police Reserve Color Detail.
3. The Color Detail shall verify that the request to lower the flag falls under the requirements of city protocol for municipal flag lowering.
4. Once verified, the Color Detail shall respond to all city flag locations to lower each flag to half-staff in a timely manner.
5. Eden Prairie Police Reserves shall be in full dress uniform when raising and lowering the flag.
6. A member of the Color Detail shall notify the Office of the City Manager upon completion of the flag lowering.

11/01/2005