



Meeting Date: May 13, 2026

TOWN OF MORAGA

STAFF REPORT

To: Honorable Mayor and Councilmembers

From: Scott Mitnick, Town Manager

Subject: Town Facilities Flag Display Policy

RECOMMENDATION

Adopt a resolution establishing a "Ceremonial Flag Display Policy" for Governmental and Ceremonial Flags at Town Facilities.

BACKGROUND

At the February 11, 2026 Town Council meeting, staff was directed to research and return with options for a Town Facilities Flag Display Policy. At the April 22, 2026 Town Council meeting, staff presented policy options, including a traditional government flag policy and a governmental ceremonial flag policy.

Based on Town Council direction from the April 22, 2026 meeting, staff has prepared a draft administrative policy (Attachment A) and resolution (Attachment B) to establish a formal framework for the display of governmental and ceremonial flags at Town facilities. The proposed policy confirms that Town flagpoles are not intended to serve as a forum for public expression and that ceremonial flags displayed under the policy represent the Town's official governmental speech.

DISCUSSION

Historically, the Town has displayed governmental flags, including the United States and State of California flags, at Town facilities. A formal written policy would provide clear standards for consistent implementation and clarify the purpose and use of Town flagpoles. The ceremonial flag framework set forth in the proposed administrative policy and resolution confirms that Town flagpoles are governmental facilities for official Town speech. They are not forums for public expression.

This policy preserves Town Council control by limiting who may initiate ceremonial flag requests, requiring Town Council approval, and applying clear criteria to exclude partisan,

electoral, ballot-measure, and private commercial displays. This establishes a defined process and reduces legal and administrative ambiguity.

Specifically, this policy states that requests for ceremonial flag display may only be initiated only by the Mayor, a Councilmember, or the Town Manager. Requests from third parties will not be accepted. All requests for the display of a ceremonial flag will be subject to review and approval by the Town Council based on the following criteria:

- The display represents an expression of the Town's official governmental sentiments.
- The flag does not promote a political party, candidate, ballot measure, or private commercial interest.
- The display is consistent with applicable federal and state laws governing the use of public flagpoles.
- The display is limited to a maximum of thirty (30) consecutive days per calendar year for any single ceremonial flag.

This policy authorizes the Town Manager to establish administrative procedures for receiving, processing, and scheduling ceremonial flag requests. This policy also provides staff with practical direction on compliance with US Flag Code, including flag display protocol, half-staff observances, flag care, and departmental responsibilities. As drafted, it identifies the ceremonial Pride Flag for annual June display at the Town offices.

Based on previous Town Council direction and how the proposed Flag Display Policy is structured, the Town Manager and Town Attorney are comfortable with adoption of the proposed resolution and implementation documents.

FISCAL IMPACT

The indirect fiscal impact associated with staff time to prepare this policy is minor and will be absorbed in the Adopted FY 2025-26 General Fund Budget. There may be minor future costs associated with the installation, maintenance, or retirement of ceremonial flags. A private group has already obtained a Pride Flag to be donated to the Town for public display. As a result, future cost impacts will be de minimis.

CEQA COMPLIANCE

This agenda item is not subject to review under the California Environmental Quality Act (CEQA) pursuant to Public Resources Code Section 2100 et. seq. and the CEQA Guidelines (14 Cal. Code Regs. 15000 et. seq.), including without limitation, Public Resources Code Section 21065 and California Code of Regulations 15378 as this is not a “project” that may cause a direct, or reasonably foreseeable indirect, physical change in the environment.

ALTERNATIVES

1. Adopt a Flag Display Policy and resolution with modifications; or
2. Direct staff to return with a revised Flag Display Policy and resolution; or

3. Take no action and provide direction to staff.

NEXT STEPS

Upon adoption, staff will incorporate the new policy into the Town's administrative records, and coordinate implementation with the responsible departments. Staff will also apply the policy to the annual June display of the ceremonial Pride Flag and any future ceremonial flag requests initiated in accordance with the new policy.

ATTACHMENTS

[Attachment A - Draft Resolution - Flag Display Policy](#)

[Exhibit A - Draft Flag Display Policy](#)

[Addendum - Public Comment Received](#)