



# *CITY COUNCIL AGENDA REPORT*

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MEETING DATE: SEPTEMBER 17, 2019

ITEM NUMBER: NB-3

**SUBJECT: DISPLAY OF THE “BLUE LIVES MATTER” AND “IN GOD WE TRUST”  
FLAGS AT CITY HALL**

**DATE: AUGUST 7, 2019**

**FROM: CITY MANAGER’S OFFICE**

**PRESENTATION BY: ALMA REYES, SENIOR MANAGEMENT ANALYST**

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## **RECOMMENDATION:**

Staff requests that the City Council consider whether to direct the City Manager to work with the City Attorney’s Office to draft resolutions for the display of “Blue Lives Matter” and “In God We Trust” flags.

## **BACKGROUND:**

At the May 7, 2019 City Council meeting, the City Council approved Resolution No. 19-21, adopting a policy for the display of commemorative flags at City facilities. At this same meeting, staff received direction from Councilmember Allan Mansoor to bring back for City Council consideration the display of two commemorative flags: “Blue Lives Matter” and “In God We Trust” flags, which would be displayed during separate time periods at City Hall.

Historically, the City of Costa Mesa has displayed the United States Flag, the California State Flag, the POW-MIA Flag, and the City of Costa Mesa Flag at City Hall and other City facilities in accordance with Federal and State law. Most recently, the City Council approved a resolution at its regular meeting of May 7, 2019 to display the Pride Flag during Pride Month (May 22 - June 30, 2019).

If directed by the City Council, staff will work with the City Attorney’s Office to prepare either or both resolutions for the two flags.

## **ANALYSIS:**

The City has displayed flags in accordance with Federal and State law. Per City Council Policy 000-15, adopted on May 7, 2019, commemorative flags may be displayed only as authorized by resolution of the City Council and as an expression of the City’s official sentiments (Attachment 1). Upon City Council adoption of a resolution to authorize the display of a commemorative flag, the City would purchase the flag and display it below the City of Costa Mesa Flag at City Hall during the designated period.

The City's flagpoles are not intended to serve as a forum for free expression by the public. Rather, the City's flagpoles are to be used exclusively by the City, where the City Council may display a commemorative flag as a form of government expression. The City will not display a commemorative flag based on a request from a third party, nor will the City use its flagpoles to sponsor the expression of a third party.

The Government Speech Doctrine, defined by the United States Supreme Court, establishes that a government organization, such as the City of Costa Mesa, may advance its own expression without requiring viewpoint neutrality when the government itself is the speaker, so long as its expression does not show religious preference or encourage a certain vote in an election. Therefore, the City could, by adoption of a resolution, display a commemorative flag as a form of government expression, so long as the commemorative flag does not show religious preference or encourage a certain vote in an election. Consequently, if the City Council adopts a resolution to display a commemorative flag, the display of the commemorative flag would be an exercise of government expression, where the City is the speaker.

#### Display of the “Blue Lives Matter” Flag

The most commonly referenced flag when discussing the “Blue Lives Matter” flag is the flag also known as the “Thin Blue Line” flag, which is a United States flag with a horizontal thin blue line in the middle of the flag. The “Thin Blue Line” flag typically looks like the following flag:



The reference to the “Thin Blue Line” is a phrase that typically refers to the role of law enforcement, though it is broadly interpreted. In researching the issue, staff did not find any governmental entities that display the “Thin Blue Line” flag.

The phrase “Blue Lives Matter” refers to a movement that generally promotes the importance of recognizing law enforcement officials.

Currently, there are no official celebrations designated for the display of the Blue Lives Matter movement/Thin Blue Line flag. However, there are various days when police and law enforcement are celebrated, recognized federally or through supportive organizations.

If the City Council desires to display the “Thin Blue Line” flag, the potential periods of celebration are as follows:

- **Peace Officers Memorial Day/ National Police Week – May 15th**

In 1962, President John F. Kennedy signed a proclamation, which designated May 15 as Peace Officers Memorial Day and the week in which that date falls as Police Week.

- **National Law Enforcement Appreciation Day – January 9th**

On January 9, partnering organizations in support of law enforcement officers nationwide promote National Law Enforcement Appreciation Day (L.E.A.D.), headed by the National Concerns of Police Survivors.

If approved by the City Council, a resolution could provide that the flag would be displayed on January 9 and/or on May 15 annually.

#### Display of the “In God We Trust” Flag

“In God We Trust” is the official motto of the United States. The phrase appears on all United States currency. After conducting research, staff found that there is no universal “In God We Trust” flag. Staff also did not find any governmental entities that display an “In God We Trust” Flag. This flag would have to be custom made. If the City Council desires to display such a flag, staff requests that the City Council provide direction on when the City Council would like such a flag displayed.

#### ALTERNATIVES CONSIDERED:

1. The City Council may direct staff to return with a resolution to display the “Blue Lives Matter” flag but not the “In God We Trust” flag or a resolution for the “In God We Trust” flag but not the “Blue Lives Matter” flag.
2. The City Council may direct that the “Blue Lives Matter” flag be displayed on different dates than those proposed.
3. The City Council may direct staff to purchase a custom flag and return with a resolution to display the “In God We Trust” flag on date(s) of its choosing.
4. The City Council may choose not to display either flag.
5. The City Council may provide alternative direction to staff.

#### FISCAL REVIEW:

If the City Council authorizes the annual display of the commemorative flags, staff will purchase the flag/s for display at City Hall. The cost of both flags, if designed as a 4ft. by 6ft. flag is approximately \$500. If approved, the cost would be absorbed within the City Council’s adopted budget for FY 2019-20.

#### LEGAL REVIEW:

The City Attorney’s Office has reviewed this report.

## **CITY COUNCIL GOALS & PRIORITIES:**

This report has been prepared at the request of Councilmember Allan Mansoor and is administrative in nature.

## **CONCLUSION:**

Staff requests that the City Council consider whether to direct the City Manager to work with the City Attorney's Office to draft resolutions for the display of "Blue Lives Matter" and/or "In God We Trust" flags.

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**LORI ANN FARRELL HARRISON**  
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Finance Director

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**ALMA L. REYES**  
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ATTACHMENTS:     1. [City Council Policy 000-15](#)