



MAYOR BOB FOSTER

CITY OF LONG BEACH

REVISED

June 5, 2007

MEMBERS OF THE CITY COUNCIL
City of Long Beach

RE: Recommendation to request the City Attorney to draft an ordinance establishing flag protocols for the City of Long Beach.

Background

According to United States Code Title 1 Section 4 § 7, by Presidential order the United States Flag shall be lowered to half-staff:

- For 30 days from the death of the President or a former President;
- For 10 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;
- On the day of death and the following day for a Member of Congress;
- On Memorial Day until noon;
- On Peace Officers Memorial Day, unless that day is also Armed Forces Day;
- On the event of the death of other officials or foreign dignitaries, according to Presidential instructions or orders, or in accordance with recognized customs or practices not inconsistent with law;

The Governor of a State, territory, or possession may proclaim that the National flag shall be flown at half-staff in the event of the death of a present or former official of the government of that State, territory, or possession of the United States.

Under that authority, the Governor of California has established a protocol to lower State and National flags at the State Capitol to half-staff for 72 hours, to commence upon order of the Governor, in the event of the death a soldier, peace officer or firefighter residing in California or any past or present California state or local elected officials.

Standards for the manner in which the United States flag shall displayed and lowered to half-staff are also contained in 4 U.S.C. 1 § 7.

California Government Code Section 430-439 grants Cities the ability to establish their own official flag and sets standards about the manner in which the California flag and United States flag are displayed.

The City of Long Beach's AR8-18 establishes a Citywide policy relative to the display of National and State flags. Under AR8-18, flags are directed to be flown at half-staff for the following circumstances:

- On the death of the following individuals:
 - President, ex-President, or President elect;
 - Vice President, Chief Justice or retired Chief Justice of the United States, or the Speaker of the House of Representatives;
 - Other designated federal officials;
- At the direction of the President;
- At the direction of the Governor;
- On Memorial Day from sunrise to noon;
- In those instances when employees of the City of Long Beach have been killed in the line of duty or have died as a direct result of injuries incurred while in the performance of official duties
- On other occasions at the direction of the City Council or City Manager.

In review of the City of Long Beach's AR8-18, it may be in conflict with State and Federal laws that regulate the appropriate lowering of State and National flags to half-staff.

Recommendations

Recommend that the City Council direct the City Attorney to draft an ordinance to bring Long Beach in conformity with state and federal law and enact the following protocols for the lowering of flags to half-staff:

The City of Long Beach will lower national, state and municipal flags to half-staff in the manner prescribed and on the occasions enumerated by United States Code Title 1 Section 4 § 7, California Government Code Section 430-439 and all other relevant state and federal laws.

The City of Long Beach will also lower national, state and municipal flags to half-staff in conformity with the then existing protocols as established by the Governor of California in the event of the death a member of the military, peace officer or firefighter residing or stationed in Long Beach and any past or present federal, state or municipal elected official representing any part of Long Beach.

In the event of the death a member of the military, peace officer or firefighter residing or stationed in Long Beach and any past or present federal, state or municipal elected

official representing any part of Long Beach, and in accordance with the wishes of the primary next of kin, the Mayor or authorized representative may present the official flag of the City of Long Beach to the primary next of kin of these deceased.

The presentation shall be made at an appropriate time and not interfere with a military honors funeral, or supercede any military or federal protocols.

The order of the primary next of kin is as follows:

- Any person designated by the deceased as their next of kin;
- Spouse;
- Sons or daughters in the order of age, oldest first;
- Oldest parent, unless legal custody was granted to another person;
- Blood or adoptive relative granted legal custody;
- Brothers or sisters in the order of age, oldest first;
- Oldest grandparent;
- Other relative in accordance with laws of deceased's domicile;
- Close friends and/or associates.

When the official flag of the City of Long Beach is presented it shall be presented outside of a flag box and folded in the standard manner for an American flag – triangular shape with a portion of the City emblem showing and ends tucked.

Recommended Action

Request the City Attorney to draft an ordinance establishing flag protocols for the City of Long Beach.

Dated: May 31, 2007

A handwritten signature in black ink, appearing to read "Bob Foster", written in a cursive style.

Mayor Bob Foster
City of Long Beach