



OFFICE OF THE CITY ATTORNEY
Long Beach, California

ORD-37

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July 3, 2007

HONORABLE MAYOR AND CITY COUNCIL
City of Long Beach
California

RECOMMENDATION:

Recommendation to declare ordinance amending the Municipal Code by adding Chapter 1.14 relating to flag protocols read the first time and laid over to the next regular meeting of the City Council for final reading. (Citywide)

DISCUSSION:

Pursuant to your request on June 5, 2007, this ordinance has been prepared and is submitted for your consideration.

SUGGESTED ACTION:

Approve recommendation.

Very truly yours,

ROBERT E. SHANNON, City Attorney

By

MICHAEL J. MAIS
Assistant City Attorney

MJM:kjm
#07-02814

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ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE
CITY OF LONG BEACH AMENDING THE LONG BEACH
MUNICIPAL CODE BY ADDING CHAPTER 1.14
RELATING TO FLAG PROTOCOLS

WHEREAS, according to United States Code Title 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 or 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.

WHEREAS, 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

1 former official of the government of that State, territory, or possession of the United
2 States; and

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

8 WHEREAS, standards for the manner in which the United States flag shall
9 be displayed and lowered to half-staff is contained in the United States Code title 4,
10 Chapter 1, Section 7; and

11 WHEREAS, California Government Code Sections 430-439, inclusive, grant
12 Cities the ability to establish their own official flag and sets standards about the manner in
13 which the California flag and United States flag are displayed; and

14 WHEREAS, the City of Long Beach Administrative Regulation AR 8-18
15 establishes a Citywide policy relative to the display of National and State flags; and

16 WHEREAS, the City Council desires to codify and enact protocols for the
17 lowering of flags to half-staff;

18 NOW, THEREFORE, the City Council of the City of Long Beach hereby
19 ordains as follows:

20 Section 1. The Long Beach Municipal Code is amended by adding
21 Chapter 1.4 to read as follows:

22 Chapter 1.14
23 FLAG PROTOCOLS

24
25 1.14.010 Flying flag at half-staff.

26 The City of Long Beach shall lower national, state and municipal
27 flags to half-staff in the manner prescribed and on the occasions
28 enumerated by the United States Code Title 4, Chapter 1, Section 7,

1 California Code Sections 430-439, and all other relevant state and federal
2 laws.

3 1.14.020 Death of member of military, public safety officer or elected
4 official.

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

11 1.14.030 Presentation of City flag.

12 A. In the event of the death of a member of the military, peace
13 officer or firefighter residing or stationed in Long Beach and any past or
14 present federal, state or municipal elected official representing any part of
15 Long Beach, and in accordance with the wishes of the primary next of kin,
16 the Mayor or authorized representative may present the official flag of the
17 City of Long Beach to the primary next of kin of these deceased.

18 B. The presentation shall be made at an appropriate time and
19 not interfere with a military honors funeral, or supersede any military or
20 federal protocols. The order of the primary next of kin is as follows:

- 21 1. Any person designated by the deceased as their next
22 of kin;
- 23 2. Spouse;
- 24 3. Sons or daughters in the order of age, oldest first;
- 25 4. Oldest parent, unless legal custody was granted to
26 another person;
- 27 5. Blood or adoptive relative granted legal custody;
- 28 6. Brothers or sisters in the order of age, oldest first;

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- 7. Oldest grandparent;
- 8. Other relative in accordance with laws of deceased's domicile;
- 9. Close friends and/or associates.

C. 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.

Section 2. The City Clerk shall certify to the passage of this ordinance by the City Council and cause it to be posted in three (3) conspicuous places in the City of Long Beach, and it shall take effect on the thirty-first (31st) day after it is approved by the Mayor.

I hereby certify that the foregoing ordinance was adopted by the City Council of the City of Long Beach at its meeting of _____, 2007, by the following votes:

Ayes: Councilmembers: _____

Noes: Councilmembers: _____

Absent: Councilmembers: _____

City Clerk

Approved: _____
(Date)

Mayor