SPECIAL MEETING

TOWN OF LOS GATOS
TOWN COUNCIL POLICY COMMITTEE

AGENDA
TOWN COUNCIL CHAMBERS
110 EAST MAIN STREET
AUGUST 4, 2016 – 10:00 A.M.

Council Policy Committee – (2016)

Marico Sayoc, Vice Mayor
Marcia Jensen, Council Member

MEETING CALLED TO ORDER

ROLL CALL

VERBAL COMMUNICATIONS *(Three minute time limit)*

1. Approval of the July 14, 2016 Council Policy Committee Draft Minutes
2. Review and discuss draft Legislative Policy
3. Review and discuss current Flag Procedures

ADJOURNMENT

Enclosures:
1. July 14, 2016 Policy Committee Draft Minutes (Item 1)
2. Review and discuss the draft Legislative Policy (Item 2)
3. Review and discuss current Flag Procedures (Item 3)

cc: Post (*also posted on Town Web)*
Town Council

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Town Manager's Office at (408) 354-6834. Notification 48 hours before the meeting will enable the Town to make reasonable arrangements to ensure accessibility to this meeting [28 CFR §35.102-35.104]

DRAFT

TOWN OF LOS GATOS
COUNCIL POLICY COMMITTEE
July 14, 2016 10:00 a.m.

110 E. Main Street
Town Council Chambers
Los Gatos, California

MINUTES

Call to Order
The Council Policy Committee meeting was called to order at 10:13 a.m.

Members and Staff present:
Vice Mayor Marico Sayoc
Councilmember Marcia Jensen
Joel Paulson, Community Development Director
Christina Gilmore, Assistant to the Town Manager

Verbal Communications

None

Agenda Items

1. **Approval of June 23, 2016 Council Policy Committee Meeting Minutes**
   Committee Action:

The Committee unanimously approved the draft minutes with no changes.

2. **Review and discuss the Cellar Policy and Basement Definition**

The Committee reviewed and discussed the Cellar Policy and Basement definition, and provided staff with the following direction:

- Eliminate the definition of "cellar" and "basement" from the Town Code
- Add language to the FAR section in the Town Code and the Hillside Development Standards and Guidelines related to areas below grade
- Add language to the FAR section in the Town Code and Hillside Development Standards and Guidelines stating that if a home has any elevation that is more than 4 feet above grade that the entire area of that level will be counted as FAR

3. **Future Agenda Items**
   - Legislative Policy
   - Flag Policy

The meeting was adjourned at 10:35 a.m.

MEETING DATE: 08/04/16
ITEM NO: 2

POLICY COMMITTEE REPORT

DATE: AUGUST 3, 2016

TO: POLICY COMMITTEE

FROM: LAUREL PREVETTI, TOWN MANAGER

SUBJECT: REVIEW AND DISCUSS DRAFT LEGISLATIVE POLICY

RECOMMENDATION:

Review and discuss draft Legislative Policy.

BACKGROUND:

The Council Policy Committee has expressed interest in creating a policy to identify procedures to guide individual Council Members or the entire Town Council in the legislative process to endorse/propose amendments/oppose federal and state legislation, regional and local measures, and candidates other than Town Council.

DISCUSSION:

League of California Cities

The Town is a member of the League of California Cities and typically, this organization provides legislative support to small jurisdictions that do not have the resources to have lobbyists in Sacramento. The League has established Guiding Principles that informs its legislative advocacy work: http://www.cacities.org/Resources-Documents/Policy-Advocacy-Section/Policy-Development/2016-Summary-of-Existing-Policy-and-Guiding-Princi.aspx

The League also encourages cities to create their own legislative platforms and provide them to the League so it can advocate on those specific topics as well. An example from the City of Pasadena is in Attachment 1.

The creation of a Town Legislative Platform would require the engagement of all Town Departments to identify legislative priorities in their respective disciplines. While a very worthwhile activity, the Council would need to identify this body of work as a Strategic Priority.

PREPARED BY: Laurel Prevetti
Town Manager

Reviewed by: N/A Assistant Town Manager _____Town Attorney NA Finance

In addition, members of staff and/or Council have been on League Committees to review and recommend positions on pending legislation. The Town Attorney currently serves on the League's Housing Committee. His participation is informed by his experience in local government as well as the goals and policies of the Town's General Plan and other policy documents.

Town Practice

The Town Council Code of Conduct Policy identifies that the Mayor sets the agenda for Town Council meetings and is the Town spokesperson (see Attachment 2). Consistent with this Policy, the Mayor could place pending legislation, regional or local measures, or other related items on the agenda and the Council would have the ability to take a formal position as appropriate. The current Mayor has contemplated a couple of legislative items for potential placement on a Council agenda. Also consistent with this Policy, the Mayor has signed two letters expressing concerns regarding the Governor's "by right housing" proposal.

Section X of the Code of Conduct Policy provides guidance for Council Members expressing their opinions on matters of community concern, which could be interpreted to include legislation, regional/local measures, or candidates. The opinions need to be identified as personal views of a Council Member in the event the topic has been decided differently by the full Council, or the item is potentially forthcoming at a future Council meeting. A Town Legislative Policy may be useful to provide more specific guidance for these matters.

Proposed Legislative Policy

With this context, Attachment 3 contains a draft Legislative Policy for the Committee's review, discussion, and comment. This is a starting point to establish a clear process for the Town's involvement in legislative items.

As drafted, the Policy does not address endorsements of candidates. The draft Policy could be expanded to provide guidance such as:

- Other than Council Members running for their own re-election, Council Members should not endorse or oppose any candidate for Town Council.

- Council Members may endorse School Board, Board of Supervisor, Assembly, Senate, and other candidates for elected office.

CONCLUSION:

Staff looks forward to the discussion and direction of the Committee. With this direction, staff will draft a Legislative Policy for the Committee's review.

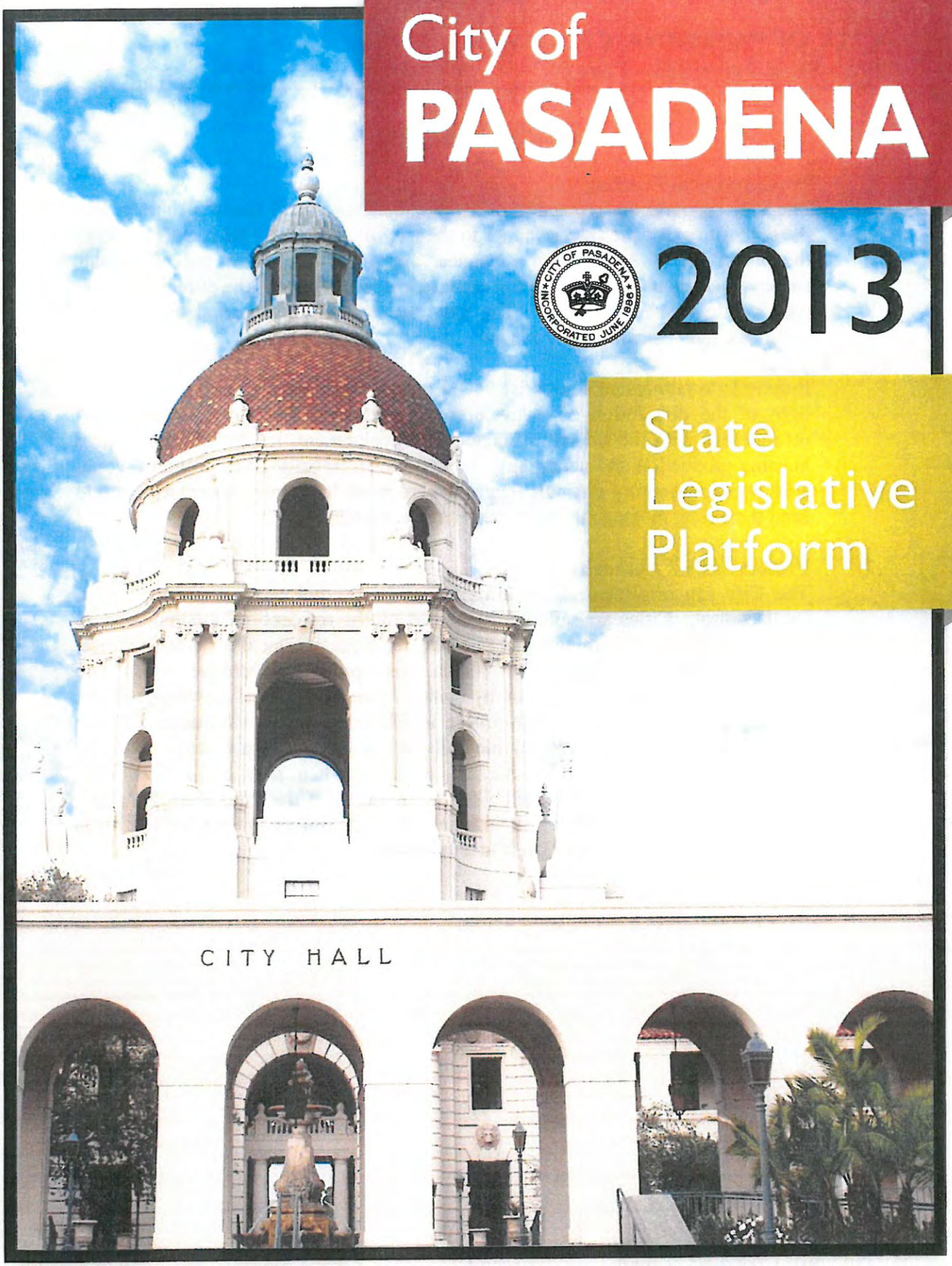
Attachments:

1. City of Pasadena Legislative Platform
2. Town Council Code of Conduct Policy (please be sure to use the current 3/3/15 version, thanks)
3. Draft Legislative Policy

City of PASADENA

2013

State Legislative Platform



ATTACHMENT 1

CITY OF PASADENA, CALIFORNIA
2013 State Priorities – Part I

Guiding Principles

1) **Preserve Local Funding**

The City supports the protection of existing state and local funding sources and the authorities that provide revenues to the City of Pasadena. Such areas include the protection of state-shared revenues, assets of the former redevelopment agency, and the ability to collect compensation for the use of the public right-of-way or city-owned facilities. The City opposes any new mandates that are unfunded and/or inadequately funded.

Proposals to eliminated Enterprise Zones creates an unusually serious concern in light of the dissolution of redevelopment agencies. This proposed action is inconsistent with the priority of economic development, job growth, affordable housing production and community investment. Eliminating this program would shift an exceptionally difficult financial burden on local government and would send the wrong message to businesses that create jobs.

2) **Preserve Local Authority**

The City supports local decision-making authority and opposes preemption of local control. Cities are voluntarily created by the residents of a community to provide local self-government and to make decisions at a local level to best meet the needs of the community. Each community has unique needs and characteristics that are best met by policies set by its local governing body. Recently, several pieces of high-profile legislation have been introduced which serve the purpose of superseding local discretion and land use controls generally established to maintain the immediate community's quality of life standards. Statewide efforts to remove the ability to set policy at the local level should be opposed, while promoting legislation that allows flexibility in the City's effort to cost-effectively meet energy goals and mandates.

Legislative Priorities

Environment

The City of Pasadena is seeking to increase its role in promoting environmental stewardship and urban sustainability through activities such as the endorsement of the United Nations Green Cities Declaration, the U.S. Conference of Mayors Climate Protection Agreement, and the adoption of the Urban Environmental Accords Action Plan.

The City supports legislation that: 1) improves the availability of renewable energy; 2) increases energy efficiency; 3) reduces greenhouse gas emissions; 4) reduces waste to landfills; 5) reduces the use of non-renewable resources in the manufacture of products; 6) supports green buildings and advances urban planning while protecting wildlife habitats; 7) improves opportunities for environmentally beneficial jobs; 8) enhances parks and recreational opportunities; 9) increases the urban forest canopy; 10) increases affordable public transit; 11) supports cleaner emissions from vehicles; 12) improves air quality; 13) ensures and conserves safe drinking water, and 14) supports sustainable urban watershed and wastewater planning and implementation. The City also supports renewable energy derived from sustainable resources such as wind, geothermal (steam), landfill gas (methane produced from decomposing waste), solar, and hydroelectric facilities.

The City supports legislation regarding better air quality which may include strategies to mitigate emissions. The City supports port operations which reduce air pollution as well as relieves traffic congestion. This is best demonstrated in our purchases of alternative fuel vehicles for the city transit service and the recognition that more State attention should be focused on the ports and the movement of goods.

As a founding member of Green Cities California, Pasadena, in collaboration with the other member agencies, also supports legislation that: reduces or eliminates single use bags and promotes reusable bags statewide; proposes or supports funding to local governments to assist in implementation of Assembly Bill (AB) 32 - 2006 Global Warming Solution Act; preserves funding for transit; and establishes extended producer responsibility for waste reduction.

Greenhouse Gas Reduction and Renewable Energy

The City fully embraces greenhouse gas reduction and has adopted an aggressive 40% greenhouse gas reduction goal for its municipal electric utility, Pasadena Water and Power. To meet this goal, the City has adopted goals to achieve a 40% renewable portfolio standard by 2020, reducing electric loads by 1.3% annually through utility-sponsored conservation programs, and reducing its current reliance on coal-fired generation by about one-third. Achieving these goals will impose a considerable burden on the City's electric rate payers.

As renewable portfolio standard legislation is being considered, the City urges that its renewable energy and biomethane fuel resources be grandfathered for statutory compliance, as provided under SB 2 1x (Simitian) 2011, and otherwise consistent with the City Council's intent. Additionally, since renewable resources are zero carbon resources, they should not have to bear any greenhouse gas compliance burden. Similarly, as climate change and "cap and trade" legislation is being considered, the City urges that a sufficient amount of emission allowances be allocated to retail electric utilities, such as Pasadena Water and Power, to offset the added burden of emissions costs under a cap and trade system. The City supports the policy of administratively providing free emission allowances to retail electric utilities in proportion to their expected future emissions. Pasadena advocates for legislation that decreases the burden of cap and trade or minimizes the duplicative burden on the state's consumers.

Abatement of Nuisance Liquor Stores

Several nuisance liquor stores in the City had been cited for illegal activities including selling to minors. With the passage of SB 148 (Scott) a process exists to commence the elimination of nuisance liquor stores and the associated impacts from the affected communities. The City continues to request our legislators initiate legislation that would provide local government with more control over the abatement of nuisance liquor stores.

Rose Bowl Renovations

The City of Pasadena promotes the restoration of its historic properties and is seeking funding for the renovation of the Rose Bowl. As the City moves forward with renovations of the Rose Bowl, any other state funding that would assist with enhancing public safety and infrastructure improvements are welcomed.

California Vehicle Code

The City seeks legislation to amend the language of the California Vehicle Code (CVC) related to the definition of local streets in the section pertaining to speed traps and setting speed limits. The changes are sought to provide greater flexibility in setting speed limits on residential collectors and arterials in cities with older street systems. Modifying the CVC to make the language less restrictive with regard to how a local street is defined would restore a measure of local control. If a city had the option to use the criteria in paragraphs A-C of CVC 40802 (2) (b) (1) rather than being forced to use functional classification, streets that are local in design would be considered "local" regardless of functional classification and would be exempt from having to comply with the requirement to conduct an engineering and traffic survey to set the speed limit.

Density Bonus Law

The City supports changes to the current State Density Bonus law that will restore local control. These changes should allow cities to maximize their ability to protect local quality of life and retain the unique character of their communities. The City supports special consideration in meeting the State Density Bonus law for cities like Pasadena that have consistently invested in affordable housing projects/programs. Cities that have achieved appropriate housing goals, demonstrated commitments to affordable housing, complied with zoning requirements, etc. should not be penalized by the imposition of

State law which diminishes local authority. The City supports compliant cities being granted relief and/or flexibility in response to the State Density Bonus law with greater regulatory attention focused on non-compliant jurisdictions to address their affordable housing needs.

Bay Delta Conservation Plan

Pasadena supports the Bay Delta Conservation Plan and regulatory initiatives that develop and accomplish the Delta's co-equal goals (i.e. - improving water supply reliability and protecting and restoring the health of the Delta estuary). The City opposes efforts to mandate a state water public benefits charge unless funds remain within local community.

Pasadena supports state and federal funding for water ecosystem projects that are cost-effective. Direct beneficiaries and cost causers should fund their fair share of infrastructure project costs that provide long-term benefits to the state and its inhabitants.

Telecommunications

In 2009, California enacted legislation that shifted franchising of video service providers from the local to the state level. While the legislation largely preserved local governments' ability to regulate placement of telecommunications infrastructure in the public rights-of-way, cities lost control in several other areas of telecommunications regulation. Clean-up legislation may be necessary in the upcoming legislative session. In addition, states other than California have adopted legislation that prohibits cities from providing telecommunications services, as well as legislation to limit regulation of private-sector telecommunications firms' use of the public rights-of-way.

The City supports legislation clarifying regulation of video service providers to preserve: Public Educational & Government (PEG) funding and channels; cities' rights to collect and audit franchise fee payments; local regulation of placement of telecommunications infrastructure in the public rights-of-way; and local government input in the state franchising process.

The City opposes any legislation that would further diminish the City's ability to make future decisions to offer telecommunications services directly or to control the use of the public rights-of-way by the telecommunications industry.

Workers Compensation

Recent improvements to the workers' compensation system were the result of many individual efforts seeking to resolve specific issues. The system needs additional work to continue to move toward fair and equitable programs.

The City supports legislation that would control medical and legal costs. The City opposes legislation that would repeal the recent workers compensation reforms, or that would exempt public safety employees from those reforms.

Employee Compensation and Terms of Employment

The City supports local control over employment decisions not already preempted by State law. Each year the legislature introduces numerous bills which have the effect of eroding local control over employment, including such things as compensation and benefits, collective bargaining agreements, and employee rights and privileges. Inasmuch as each city is unique, it is important to maintain local control over the discretionary nuances of employment that are not already regulated by State or federal law or regulation. The City opposes legislation that would preempt local control over employment, compensation and benefits, collective bargaining and employee rights and privileges. More specifically, the City opposes any bill to establish citizen compensation commissions or committees, or such compensation commissions or committees of combined membership with private citizens and any other persons or entities, when said commission or committee is charged with regulating local decision making with regard to compensation of local officials or employees.

The City also opposes any bill that would limit local control over determining its own pension plans, pension financing, or the right to contract with the State Public Employment Retirement System for appropriate pension formulae and benefits available under State law. The city will continue to be proactive in tracking changes to the recently passed pension reform bill to protect and enhance the positive aspects of the recent changes and to ensure the maximum flexibility in local decision making for the city and its employees.

Support for Affordable Housing

The City has implemented an aggressive and creative program to maximize the use of resources for the creation of housing for low and moderate-income individuals and families, including the implementation of an effective citywide inclusionary housing ordinance.

The City supports legislation that would provide additional resources for the development of affordable housing programs and/or expand code enforcement programs to protect existing housing stock. The City supports legislation that would require municipalities to provide assistance to homeless individuals that reside within their jurisdictions either directly or through the financial support of homeless service agencies that provide services within or directly adjacent to their jurisdictions. The City opposes new regulations that would create cumbersome processes or other obstacles to the development of affordable housing and/or the provision of homeless services, as well as any new legislation that would abridge or limit local regulatory mechanisms designed to increase affordable housing production (e.g., inclusionary housing programs).

Expanded Health Coverage

In Pasadena, an estimated one out of every four residents does not have adequate health coverage. Some are uninsured children who are eligible, but not enrolled in available programs. Many are working poor whose employers do not provide insurance or have reduced their coverage due to increasing health care costs. People who are uninsured and underinsured face significant barriers in obtaining needed health services, often leading to

needless death, disability, and increased costs of care. Social, economic, racial and ethnic factors also contribute to significant health disparities. To address these issues, the City supports legislation to improve health coverage in a comprehensive manner provided adequate funding and cost controls are in place. Expansion in health insurance programs would also help to reduce the burden of unreimbursed care provided by local emergency services, which has led to a crisis in the emergency medical system in Los Angeles County.

The City recognizes that several health care reform mechanisms have been introduced by the Governor and in the Legislature. The City supports enhancement to state sponsored health care mechanisms consistent with the set of principles approved in October 2009 by the Pasadena City Council to guide comprehensive health care reform:

- Reduce long-term growth of health care costs for families, individuals, businesses and government;
- Protect families from bankruptcy or debt because of health care costs;
- Guarantee choice of doctors, hospitals and health plans and the choice of a private or public health care plan;
- Invest in prevention and wellness;
- Improve patient safety and quality of care for all Americans;
- Maintain coverage when someone changes or loses a job;
- Assure affordable, quality health coverage for all Americans;
- End barriers to coverage for people with pre-existing medical conditions;
- Eliminate fraud, waste, and abuse in government health programs;
- Hold insurance and drug companies accountable by ensuring that people are not overcharged for prescription drugs, or discriminated against for pre-existing conditions;
- Support public hospitals and other providers in the health care safety net so that those who fall through the cracks of expanded health coverage may still receive care, and so that surge capacity is available in case of public health emergencies; and so that the cultural competencies achieved by providers serving diverse populations are preserved and enhanced in a reformed health care system.

The City also encourages the state government to provide resources to strengthen the existing public health infrastructure by: 1) helping to address the growing number of uninsured individuals without access to care; 2) developing effective and coordinated community mitigation, preparedness, and response systems for bioterrorism, emergence of new infectious disease threats and other public health emergencies, and 3) assisting with the reduction of health disparities, examination of environmental influences on health and wellness, and expansion of substance abuse recovery programs.

Protection of Children against Sexual Predators

Although the Police Department continues to monitor registered sex offenders, not all released offenders comply with registration requirements. The failure of offenders to register, places an additional strain on Police Department resources due to the resultant need for investigations and the issuance of warrants.

The City supports legislation to increase periods of incarceration for people who commit sex crimes against children, as well as additional law enforcement tools to track sex registrants after they are released from prison.

Incorporate the Region's Needs in Emerging Climate Change and Sustainability Programs

As Climate Change legislation is being developed and implemented the City of Pasadena supports legislation that provides funding for infrastructure needed to support Transit Oriented Development (TOD). Support efforts to encourage smart growth and TOD that preserve the authority of local agencies. Support initiatives that promote demand management and other green house gas reduction strategies. Support legislative efforts which advocate for the connection between sustainable community strategies and funding for the projects and programs needed to support increased non-auto travel.

Group Homes

The City supports legislation that would provide increased oversight by the State and/or reduce the potential for over-concentration of group homes within a defined geographic area. The City also supports neighborhoods and has concerns regarding residential care facilities that serve as "sober living" homes. Since federal law classifies recovering drug and substance abusers as handicapped and allows unrestricted location of group homes for the handicapped, local governments have little control over the placement of these sober living facilities in their communities. While the City does not oppose the presence of residential group homes in Pasadena, we believe that, like any other home or business, we should have some say over their placement within the community.

Funding Priorities

Metro Gold Line Foothill Extension Phase 2B

The second phase of the Gold Line is a much-anticipated addition to the transportation system throughout the San Gabriel Valley and beyond. Phase 2B of the Gold Line Foothill Extension will extend the light rail line from Azusa to Montclair. This extension will relieve congestion in the area and provide a greater modal choice for residents of the San Gabriel Valley. The City also supports funding and/or legislation that would expedite the completion of Phase 2B of the Metro Gold Line Foothill Extension. The City advocates that San Gabriel Valley cities continue to have a role in the administration of the construction of the Gold Line.

Completion of the 710 Freeway

Many of the major north/south arterial streets in the southwest portion of the City are operating at capacity during peak hours with overflow traffic spilling onto residential streets. In March 2001, Pasadena voters passed an uncodified initiative known as Measure A. This measure resulted in an ordinance passed by the Pasadena City Council which in parts indicates that (1) The policy of the City of Pasadena favors completion of the 710 Freeway between the 1-210 and Freeway and the I-10 Freeway, and (2) This ordinance shall not be repealed or amended except by a vote of the people. The California Department of Transportation's (Caltrans) Notice of Determination for the previous Environmental Impact Report (EIR) associated with the originally contemplated surface transportation project to complete the 710 freeway was withdrawn by a vote of the California Transportation Commission on April 8, 2004.

The Metropolitan Transportation Authority (Metro) and Caltrans are the lead agencies responsible for preparation of all environmental documents related to the current proposals for the SR710 Extension project. Metro is completing an Alternatives Analysis prior to preparing an Environmental Impact Report/Environmental Impact Statement (EIR/EIS) that will ultimately result in the selection of a locally preferred alternative that will attain the project goal of reducing traffic congestion in the study area for the project, which is generally bordered by State Route 2 and Interstates 10, 210 and 605. Metro's current plans anticipate completing the Final Environmental Document in April 2015 with Metro adopting a Record of Decision (ROD) by May 2015. City staff continues to represent Pasadena as a Participating Agency for the SR710 EIS, and continues to represent Pasadena on the Technical Advisory Committee for the SR710 EIR and will return to City Council with further recommendations as information becomes available.

In August 2012, the City Council supported Senate Bill 204 and its associated amendments which would authorize the development of a Local Alternative Transportation Improvement Program (LATIP) to facilitate the sale of excess property owned by Caltrans for the State Route 710 Study Area in Los Angeles County.

Protection of the State Water Project

The State Water Project is the primary drinking water source for more than 18 million Southern Californians. 61% of Pasadena Water and Power's water supply is imported from the Metropolitan Water District of Southern California, whose primary water source comes from the State Water Project. The City supports funding opportunities and legislation that will improve the State Water Project in the following areas:

- Water quality
- Water supply
- Water conveyance and facilities

Integrated Regional Water Management Plan (IRWMP)

Long term water resources management planning is a major concern for the state. The City supports grant funding for programs, projects and implementation. The IRWMP is a regional effort that will address water supply and water quality needs and objectives by integrating strategies and projects that may include water conservation and recycling, desalination, conjunctive use, flood management, storm water and urban runoff quality, wastewater quality, habitat restoration and protection, wetland enhancement and creation, recreation, open space, sustainable urban watershed and other water resources management initiatives.

Reclaimed Water

The City supports all legislation and funding that supports the implementation, construction and use of reclaimed water as an alternative water supply for irrigation, landscape and industrial purposes. The City supports funding opportunities for the implementation and construction of a reclaimed water distribution system.

Reservoir Rehabilitation

The City's 2002 Water System Master Plan has identified the City's reservoir facilities as being potentially subject to seismic damage from an earthquake occurring in the Sierra Madre fault system. Rehabilitation of the City's reservoir facilities will increase the water system's reliability and water quality. The City will seek state funding assistance with seismic rehabilitation of water facilities.

Safe Drinking Water

Regulations on safe drinking water are becoming increasingly stringent on local jurisdictions with water departments and local and regional water districts. The City seeks funding to assist it in meeting safe drinking water requirements as regulations become ever more stringent. The City supports funding opportunities for contaminated groundwater treatment facilities in order to comply with new water quality regulations. The City supports legislation that revises water quality testing standards that are based on scientific data.

Energy Efficiency and Demand Reduction

The City believes that energy efficiency and demand reduction programs provide a significant amount of energy savings and peak demand reduction. The City supports

funding opportunities and incentives for the evaluation and initiation of new cost-effective demand reduction programs to offset residential and commercial energy use and costs.

Green Job Training

In conjunction with the City Water and Power Department and the City's commitment toward energy efficiency and environmental quality, the City is interested in exploring any opportunities to integrate green skills and certifications into existing traditional utility jobs, including "career pathway" programs and promoting job training for green industries, including smart grid and solar industries.

Public Health Services

As one of three cities in the state with its own public health department, the City provides infectious disease surveillance and control, community health assessment and planning, health promotion and policy development, direct clinical services, and environmental health protection and enforcement activities. The Public Health Department plays a critical role in identifying and responding to outbreaks of disease and other threats to the public's health, including threats from a bioterrorist incident or other emergency.

The City supports any funding that strengthens core public health capacities in all relevant areas and opposes any cuts to funding. The City also supports the practice of designating the award of specific funds directly to local health jurisdictions, rather than through county distribution processes. The City supports continued state funding to local health department jurisdictions in support of preparedness, response, and recovery activities in the event of an infectious disease occurrence such as a pandemic influenza.

Soundwalls

The process for prioritizing soundwall projects needs to be changed to allow the flexibility to address areas of greatest community concern and highest decibel reading. In 1998, the responsibility for soundwall projects was transferred from Caltrans to the Metropolitan Transportation Authority (MTA). The MTA changed the prioritization criteria to focus on high occupancy vehicle (HOV) related projects first, which exhausted all available funding. Projects of community concern, frequently with higher decibel readings, will not qualify for funding for an unknown number of years. The City would like to see legislation to amend the priority criteria for soundwalls to address areas of community concern.

City Parks

Pasadena recently adopted a citywide Park Master Plan that identified a need for park land across the city as well as acquiring open space. There are 24 parks in the City of Pasadena. Presently, there are approximately $70 million in unfunded park projects in the City's Capital Improvement Budget. These projects include implementing park master plans for our regional, community and neighborhood parks. In addition, the City is also home to the Arroyo Seco. The Arroyo Seco is on the western edge of the City of Pasadena and extends 8 miles through the City. This segment is a part of a longer 22 mile

corridor that makes up the entire Arroyo Seco, a major tributary of the Los Angeles River. It is the City's largest natural open space and physically described as a deeply cut canyon linking the San Gabriel Mountains to the Los Angeles River. Pasadena supports legislation that directs state bond funds to assist with the completion of park projects and the acquisition of additional parkland and open space.

Public Libraries

The City of Pasadena supports continued funding for California's public libraries. The programs delineated in Governor Brown's budget for 2013 included only $4.7 million to support adult literacy and the library consortia located throughout the state which provide low cost regional continuing education, materials delivery to borrowing libraries, and negotiated vendor rates. Maintaining funding at this very basic level ensure no further reduction in IMLS (federal) funding, but does not provide adequate support levels for either the California State Library or public libraries. Municipal and other local funding entities are called upon to make up the losses incurred by this budget reduction.

TOWN OF LOS GATOS CALIFORNIA

COUNCIL POLICY MANUAL

Small Town Service *Community Stewardship* *Future Focus*

TITLE: Town Council Code of Conduct	**POLICY NUMBER:** 2-04
EFFECTIVE DATE: 5/3/04	**PAGES:** 9
ENABLING ACTIONS: 2004-59; 2006-111	**REVISED DATES:** 12/17/12; 3/03/15 10/16/06
APPROVED:	

I. Preamble

The legal responsibilities of the Los Gatos Town Council are set forth by applicable state and federal laws. In addition, the Town Council has adopted regulations, including this Code of Conduct Policy, that hold Council Members to standards of conduct above and beyond what is required by law. This Policy is written with the assumption that Council Members, through training, are aware of their legal and ethical responsibilities as elected officials.

II. Form of Government

The Town of Los Gatos operates under a Council-Manager form of government as prescribed by Town Code, Section 2.30.305. Accordingly, members of the Council are elected at-large, provide legislative direction, set Town policy, and ultimately answer to the public. The Town Manager serves as the Town's chief administrative officer and is responsible for directing the day-to-day operations of the Town and implementing policy direction.

III. Town Council Roles and Responsibilities

The role of the Town Council is to act as a legislative and quasi-judicial body. Through its legislative and policy authority, the Council is responsible for assessing and achieving the community's desire for its present and future and for establishing policy direction to achieve its desired outcomes. All members of the Town Council, including those who serve as Mayor and Vice Mayor have equal votes.

Members of the Town Council fulfill their role and responsibilities through the relationships they have with each other and the public. Town Council Members should approach their work, each other, and the public in a manner that reflects ethical behavior, honesty and integrity. The commitment of Town Council Members to their work is characterized by open constructive communication, innovation, and creative problem solving.

IV. Mayoral and Vice Mayoral Selection Process

Per Town Municipal Code, Section 2.20.035, the selection of the Mayor and Vice Mayor occurs annually at the second meeting in November by majority vote of the Town Council. The Mayor and Vice Mayor serve at the pleasure of the Town Council, and may be replaced by a majority vote of the Council.

V. Mayoral and Vice Mayoral Roles, Responsibilities, Relationships

The following outlines some of the keys roles, responsibilities, and relationships as they relate to the positions of Mayor and Vice Mayor:

Mayor

A. The Mayor is the presiding officer of the Town Council. In this capacity, the Mayor is responsible for developing Council agendas in cooperation with the Town Manager and leading Council meetings.

B. The Mayor recommends various standing committee appointments to the Council for approval.[1] This will be done at a Council meeting in December of each year. When making committee recommendations, the Mayor should attempt to balance shared responsibilities and opportunities among Council Members. The Mayor may also appoint citizens to committees not established by Town ordinance or resolution as s/he deems appropriate.

C. The title of Mayor carries with it the responsibility of communicating with the Town Council, Town Manager, and members of the public. In this capacity, the Mayor serves as the Town "spokesperson" representing the Council in official and ceremonial occasions.

D. As the official Town spokesperson, the Mayor performs special duties consistent with the Mayoral office, including, but not limited to: signing of documents on behalf of the Town, issuing proclamations, serving as the official voting delegate for various municipal advocacy groups, and delivering the State of the Town Address.[2] The Town Council will determine any additional authority or duties that the Mayor shall perform.

E. Special duties consistent with the Mayoral office may be delegated to the Vice Mayor or any other member of the Town Council.

F. In the event that one or more members of a Town Board, Commission, or Committee acts in a manner contrary to approved Board/Commission policies and procedures, the Mayor may counsel those members about the rules set forth in the Town Commissioner Handbook.[3]

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[1] Council Agenda Format and Rules Policy
[2] Council Commendation and Proclamation Policy
[3] Resolution 1999-167

Vice Mayor

A. In the Mayor's absence, the Vice Mayor shall perform the formal duties of the Mayor.[4]

B. When the Vice Mayor performs the duties of the Mayor in his/her absence, the Vice Mayor also carries the responsibility of communicating with the Town Manager, Town Council, and members of the public.

VI. Council Conduct in Public Meetings

To ensure the highest standards of respect and integrity during public meetings, Council Members should:

A. *Use formal titles.* The Council should refer to one another formally during Council meetings such as Mayor, Vice Mayor or Council Member or Mr., Mrs., or Ms., followed by the individual's last name.

B. *Practice civility and decorum in discussions and debate.* Difficult questions, tough challenges to a particular point of view, and criticism of ideas and information are legitimate elements of free democracy in action. During public discussions, Council Members should be respectful of others and diverse opinions, and allow for the debate of issues.

C. *Honor the role of the presiding officer in maintaining order and equity.* Respect the Mayor/Chair's efforts to focus discussion on current agenda items.

D. *Council decisions should be reserved until all applicable information has been presented*

E. *Conduct during public hearings.* During public testimony, Council Members should refrain from engaging the speaker in dialogue. For purposes of clarification, Council Members may ask the speaker questions. Council comment and discussion should commence upon the conclusion of all public testimony

VII. Legal Requirements

The Town Council operates under a series of laws that regulate its operations as well as the conduct of its members. The Town Attorney serves as the Town's legal officer and is available to advise the Council on these matters.

A. Training

Biannual training in the following areas shall be provided by staff to Council Members:

1. The Ralph M. Brown Act
2. Town / CA State Law on Conflict of Interest (AB 1234)
3. Government Section 1090
4. Incompatible Offices
5. The Fair Political Practices Commission Forms
6. Bias

[4] Council Agenda Format and Rules Policy

B. Procurement
Unless authorized by the Town Council, Council Members shall not become involved in administrative processes for acquiring goods and services.

C. Land Use Applications
The merits of an application shall only be evaluated on information included in the public record. Council Members shall disclose ex parte communication and any information obtained outside of the public record that may influence his/her decision on a matter pending before the Town Council. Council disclosure shall occur after the Public Hearing section of the agenda, and before Council deliberations.

D. Code of Conduct Policy
Newly elected Council Members are strongly encouraged to sign a statement affirming they have read and understand the Town of Los Gatos Council Code of Conduct Policy.

E. Non-Profit Organizations
Council Members may not sit on boards of directors of non-profit organizations which receive funding or in-kind contributions from the Town, unless the role serves a legitimate Town purpose, such as the League of California Cities, and the participation is approved by the full Council.

VIII. Council Participation in Boards, Commissions and Committees, and Reporting Requirements

There are several committees that Town Council Members have been appointed to or have an interest in, including but not limited to: Town Council standing and ad hoc committees, Town boards and commissions, regional boards and commissions, and community-generated committees.

Primary Council representatives should update the Council about board, commission, and committee activities. When serving as the primary Council representative on any board, commission, or committee, Council Members should periodically provide updated reports to the Council during the "Council Matters" opportunity on the Council meeting agenda.

Recommended actions by Council Committees should be reported to the Council. When serving on a Council Committee, whether standing or ad hoc, all work undertaken by the Committee must be directed by the Council, and all recommended actions of a Council Committee shall be reported to the Council.

IX. Council Relationship with Town Staff

The Town Council has adopted a Council-Manager form of government. The Town Manager's powers and duties are outlined in the Town Code, Section 2.30.295.

Council Conduct and Communication with Town Staff

To enhance its working relationship with staff, Council should be mindful of the support and resources needed to accomplish Council goals. When communicating and working with staff, Council should follow these guidelines:

A. *Council Members should treat staff as professionals.* Clear, honest communication that respects the abilities, experience, and dignity of each individual is expected. As with Council colleagues, practice civility and decorum in all interactions with Town staff.

B. *Council Members should direct questions about policy, budget, or professional opinion to the Town Manager, Town Attorney or Department Directors.* Council Members can direct questions and inquiries to any staff for information that is readily available to the general public or easily retrievable by staff.

C. *The Town Manager and staff are responsible for implementing Town policy and/or Council action.* The processing of Council policy and decisions takes place with the Town Manager and staff. Council should not direct policy/program administrative functions and implementation; rather it should provide policy guidance to the Town Manager.

D. *Council Members should attempt to communicate questions, corrections, and/or clarifications about reports requiring official action to staff prior to Council meetings.* Early feedback will enable staff to address Council questions and incorporate minor corrections or changes to a Council report, resulting in a more efficient Council meeting discussion; however, this does not preclude Council Members from asking questions at Council Meetings.

E. *Council Members should not direct the Town Manager to initiate any action, change a course of action, or prepare any report without the approval of Council.* The Town Manager's responsibility is to advise on resources available and required for a particular course of action as it relates to the direction of the majority of the Council.

F. *Council Members should not attend department staff meetings unless requested by the Town Manager.*

G. *All Council Members should have the same information with which to make decisions.* Information requested by one Council Member will be shared with all members of the Council.

H. *Concerns related to the behavior or work of a Town employee should be directed to the Town Manager.* Council Members should not reprimand employees.

I. *Per California Government Code, Sections 3201-3209, Council Members should not solicit financial contributions from Town staff or use promises or threats regarding future employment.* Although Town staff may, as private citizens with constitutional

rights, support political candidates, such activities cannot take place during work hours, at the workplace, or in uniform.

X. Council Communication with the Public and other Council Members

The Public has a reasonable expectation that it may engage its Council Members on matters of community concern. In response, Council Members may express a preliminary opinion on issues or projects raised. Any such preliminary statement shall not constitute a prejudgment or create a presumption of bias on any issue or a project. In addition, Council Members may from time to time express opinions regarding broad policy matters which may be in conflict with currently adopted Council policies. Such statements are permissible if clearly characterized as personal opinion or policy change objectives.

XI. Enforcement

A. Purpose

The Council Code of Conduct Policy establishes guiding principles for appropriate conduct and behavior and sets forth the expectations of Council Members. The purpose of the policy language is to establish a process and procedure that:

1. Allows the public, Town Council, and Town employees to report Code of Conduct policy violations or other misconduct.

2. Provides guidelines to evaluate Code of Conduct policy violations or other misconduct and implement appropriate disciplinary action when necessary.

B. Procedures

1. Reporting of Complaints

   The following section outlines the process for reporting Council Member Code of Conduct Policy violations or other misconduct:

   a. Complaints made by members of the public, the Town Manager, and Town Attorney should be reported to the Mayor. If a complaint involves the Mayor, it should be reported to the Vice Mayor.

   b. Complaints made by Council Members should be reported to the Town Manager or Town Attorney to adhere to Brown Act requirements.

   c. Complaints made by Town employees should be reported to the Town Manager, who will direct them to the Mayor or Vice Mayor.

2. Evaluation of Complaints Alleging Violations

   Upon report of a written complaint, the Town Manager and Town Attorney will join the Mayor or Vice Mayor as an evaluation committee to determine the validity of the complaint and, if appropriate, an initial course of action as discussed below. If the Town

Manager or Town Attorney is the complainant, the longest serving uninvolved Council Member will replace the Town Manager or Town Attorney on the evaluation committee.

Within seventy-two (72) hours of receipt of the complaint by the Mayor or Vice Mayor, the Council Member in question shall be notified of the reported complaint by the Mayor or his/her designee. The notification shall include a copy of the written complaint and supporting documentation, if any, the identity of the complainant and nature of the complaint.

3. Unsubstantiated or Minor Violations
   If the majority of the Committee agrees that the reported violation is without substance, no further action will be taken. If the reported violation is deemed valid but minor in nature, the Mayor or Vice Mayor shall counsel and, if appropriate, admonish the Council Member privately to resolve the matter. Admonishment is considered to be a reproof or warning directed to a Council Member about a particular type of behavior that violates Town policy.

4. Allegations of Major Violations
   If the reported violation is considered to be serious in nature, the matter shall be referred to outside legal counsel selected by the Committee for the purpose of conducting an initial interview with the subject Council Member. The outside counsel shall report his/her initial findings back to the Committee.

   If the Committee then determines that an investigation is warranted, the Committee shall direct the outside legal counsel to conduct an investigation. The investigation process would include, but is not limited to, the ascertainment of facts relevant to the complaint through interviews and the examination of any documented materials.

5. Report of Findings
   At the conclusion of the investigation, outside legal counsel shall report back to the Committee in writing. The report shall either (1) recommend that the Council Member be exonerated based on a finding that the investigation did not reveal evidence of a serious violation of the Code of Conduct, or (2) recommend disciplinary proceedings based on findings that one or more provisions of the Code of Conduct or other Town policies have been violated. In the latter event, the report shall specify the provisions violated along with the facts and evidence supporting each finding.

   The Committee shall review the report and its recommendations. If the consensus of the Committee is to accept the report and recommendations, the Committee shall implement the recommendations. Where the recommendation is exoneration, no further action shall be taken. Where the recommendation is to initiate disciplinary proceedings, the matter shall be referred to the Council. Where there is no consensus of the Committee regarding the recommendations, the matter shall be referred to the Council.

The subject Council Member shall be notified in writing of the Committee's decision within 72 hours. Where the decision is to refer the matter to the Council, a copy of the full report, including documents relied on by the investigator shall be provided with the notification, and a copy of both shall be provided to the whole Council.

6. Proceedings
Investigative findings and recommended proceedings and disciplinary action that are brought forward to Council as a result of a significant policy violation shall be considered at a public hearing. The public hearing should be set far enough in advance to allow the Council Member in question reasonably sufficient time to prepare a response.

Investigative findings shall be presented to the Town Council at a public hearing. The rules of evidence do not apply to the public hearing. It shall not be conducted as an adversarial proceeding.

C. Disciplinary Action

1. Considerations in Determining Disciplinary Action
Disciplinary action may be imposed by Council upon Council Members who have violated the Council Code of Conduct Policy. Disciplinary action or sanctions are considered when a serious violation of Town policy has occurred by a Council Member. In determining the type of sanction imposed, the following factors may be considered:

a. Nature of the violation
b. Prior violations by the same individual
c. Other factors which bear upon the seriousness of the violation

2. Types of Sanctions
At the discretion of the Council, sanctions may be imposed for violating the Code of Conduct or engaging in other misconduct. These actions may be applied individually or in combination. They include, but are not limited to:

a. *Public Admonishment* – A reproof or warning directed to a Council Member about a particular type of behavior that violates Town policy.

b. *Revocation of Special Privileges* – A revocation of a Council Member's Council Committee assignments, including standing and ad hoc committees, regional boards and commissions, and community-generated board/committee appointments. Other revocations may include temporary suspension of official travel, conference participation, and ceremonial titles.

c. *Censure* – A formal statement or resolution by the Council officially reprimanding a Council Member.

APPROVED AS TO FORM:

Robert Schultz, Town Attorney

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DRAFT LEGISLATIVE POLICY

PURPOSE

The purposes of the Legislative Policy are to: identify opportunities for the Town to participate in state, federal, and regional legislation and other policy matters, and describe a process for Town positions, actions, and related activities.

BACKGROUND

Council Members have the opportunity to learn of legislative issues from their work on the Council, general awareness of current topics, and their service on other Boards and Committees as representatives of the Town. The Town Manager encourages all Town Departments to monitor and be knowledgeable of any legislative issues related to their disciplines. The Town Manager and Town Attorney similarly stay engaged with their professions as well as monitor the activities of the League of California Cities and other organizations. The Town benefits from a Legislative Policy to articulate overarching legislative principles to guide the Town's engagement in the legislative process as outlined in this Policy.

LEGISLATIVE PRINCIPLES

The Town should take a position and advocate for the position when proposed federal, state, County, or other agency legislation or measure has a potential direct impact on the Town. Direct impact includes and is not limited to issues of local control, revenue reductions, grant eligibility, unfunded mandates, and regulatory burdens.

POLICY GOALS

1. Advocate the Town's legislative interests at the federal, state, regional, and County levels.

2. Inform and provide information to our legislators, Town Council, and staff on the key issues and legislation that could have a potential impact on the Town.

3. Serve as an active participant with other local governments, the League of California Cities, local professional organizations, and/or other entities on legislative/regulatory issues that are important to the Town and our region.

4. Seek grant and funding assistance for Town projects, services, and programs to enhance services for our community.

LEGISLATIVE STRATEGIES

1. Communicate legislative positions on proposed federal, state, and County legislation, measures, initiatives, and governmental regulations.

2. Work with Town Departments to develop positions on proposed federal and state legislative measures based on analysis done by the League of California Cities, communication with legislators' offices, and other local government/professional associations in formulating our positions.

3. Take positions only on proposals that clearly impact our Town or are a threat to local control.

4. Actively track key bills through the legislative process, utilizing various legislative websites, government/professional associations, and other means.

5. Communicate the Town's position to our federal, state, regional, and County members, bill author(s), Committees, and/or other governmental bodies through correspondence, testimony, and in-person meetings.

6. Work cooperatively with other cities, associations, and the League of California Cities on advocating our legislative positions.

7. As necessary, participate in the drafting and amending of proposed federal, state, regional, and/or County measures that have the potential to significantly impact the Town.

8. Meet with legislators and their representatives, as well as other federal, state, regional, and/or County government officials on a regular basis to discuss local government issues, proposed legislation, requests for funding assistance, and Town programs and services.

9. Seek federal, state, and County funding through earmarks, grants, and other discretionary funding for Town projects, services, and programs.

10. Annually identify Town projects for potential submittal for federal earmark consideration and develop a submittal packet for legislators that provides information and need for the projects.

11. Provide information to Town Departments on potential grant funding opportunities and recognition programs.

12. Advocate and request letters of support for Town projects and grant applications or other resources that are being considered for federal, state, regional, and/or County funding

LEGISLATIVE POSITION PROCCESS

The process for responding to legislative proposals is as follows:

1. Once the Town Manager and/or Town Attorney determines that a legislative proposal may impact the Town, a letter outlining the Town's position (support, neutral or oppose) will be drafted for the Mayor's signature.

2. The Town Manager will circulate the draft position letter to the Town Council for review.

3. If there is Council objection, the position letter will be placed on the next Town Council agenda for consideration.

4. If there is no objection, staff will finalize the position letter for the Mayor's signature and forward the signed letter to the bill's author, the League of California Cities, and other stakeholders as deemed appropriate.

5. A copy of the final letter will be distributed to the Town Council.

MEETING DATE: 07/28/16
ITEM NO: 3

POLICY COMMITTEE REPORT

DATE: JULY 22, 2016

TO: POLICY COMMITTEE

FROM: LAUREL PREVETTI, TOWN MANAGER Laurel Prevetti

SUBJECT: REVIEW AND DISCUSS CURRENT FLAG PROCEDURES

RECOMMENDATION:

Review and discuss current flag procedures.

BACKGROUND:

In March 2015, the topic of the Town's flag practice arose and the Interim Town Manager at the time requested the topic to be placed on a Policy Committee meeting agenda; however, the discussion never took place due to workload.

At its last meeting, the Policy Committee requested to review current flag procedures to determine if a Town flag policy should be created.

DISCUSSION:

Past inquiries and requests regarding the Town's flag protocol have sparked discussion on whether the Town should create a Flag Policy. The Town currently follows the direction of the United States Code for half-staff flag procedures. In the past, flag procedures other than those outlined in the United States Code have been implemented at the discretion of the Town Manager in consultation with the current Mayor (e.g., Police Operations Building flags half-staff for slain officers).

Many agencies in Santa Clara County, including Campbell, Cupertino, Saratoga, and the County itself also follow the United States Flag Code and do not have specific flag policies in place. Attachment 1 outlines Title 4, Section 7 of the United States Code, which describes the United States Flag Code and the President's authority. This Code specifies that only the President can order federal flags to half-staff.

Staff looks forward to the discussion and direction of the Committee for next steps.

Attachments:
1. Title 4, Section 7 of the United States Flag Code

PREPARED BY: Laurel Prevetti
Town Manager

Reviewed by: _____ Assistant Town Manager _____Town Attorney __NA___Finance

4 USC 7: Position and manner of display
Text contains those laws in effect on July 21, 2016

From Title 4-FLAG AND SEAL, SEAT OF GOVERNMENT, AND THE STATES
CHAPTER 1-THE FLAG
Jump To:
Source Credit
Amendments
Miscellaneous
Executive Documents

§7. Position and manner of display

The flag, when carried in a procession with another flag or flags, should be either on the marching right; that is, the flag's own right, or, if there is a line of other flags, in front of the center of that line.

(a) The flag should not be displayed on a float in a parade except from a staff, or as provided in subsection (i) of this section.

(b) The flag should not be draped over the hood, top, sides, or back of a vehicle or of a railroad train or a boat. When the flag is displayed on a motorcar, the staff shall be fixed firmly to the chassis or clamped to the right fender.

(c) No other flag or pennant should be placed above or, if on the same level, to the right of the flag of the United States of America, except during church services conducted by naval chaplains at sea, when the church pennant may be flown above the flag during church services for the personnel of the Navy. No person shall display the flag of the United Nations or any other national or international flag equal, above, or in a position of superior prominence or honor to, or in place of, the flag of the United States at any place within the United States or any Territory or possession thereof: *Provided*, That nothing in this section shall make unlawful the continuance of the practice heretofore followed of displaying the flag of the United Nations in a position of superior prominence or honor, and other national flags in positions of equal prominence or honor, with that of the flag of the United States at the headquarters of the United Nations.

(d) The flag of the United States of America, when it is displayed with another flag against a wall from crossed staffs, should be on the right, the flag's own right, and its staff should be in front of the staff of the other flag.

(e) The flag of the United States of America should be at the center and at the highest point of the group when a number of flags of States or localities or pennants of societies are grouped and displayed from staffs.

(f) When flags of States, cities, or localities, or pennants of societies are flown on the same halyard with the flag of the United States, the latter should always be at the peak. When the flags are flown from adjacent staffs, the flag of the United States should be hoisted first and lowered last. No such flag or pennant may be placed above the flag of the United States or to the United States flag's right.

(g) When flags of two or more nations are displayed, they are to be flown from separate staffs of the same height. The flags should be of approximately equal size. International usage forbids the display of the flag of one nation above that of another nation in time of peace.

(h) When the flag of the United States is displayed from a staff projecting horizontally or at an angle from the window sill, balcony, or front of a building, the union of the flag should be placed at the peak of the staff unless the flag is at half-staff. When the flag is suspended over a sidewalk from a rope extending from a house to a pole at the edge of the sidewalk, the flag should be hoisted out, union first, from the building.

(i) When displayed either horizontally or vertically against a wall, the union should be uppermost and to the flag's own right, that is, to the observer's left. When displayed in a window, the flag should be displayed in the same way, with the union or blue field to the left of the observer in the street.

(j) When the flag is displayed over the middle of the street, it should be suspended vertically with the union to the north in an east and west street or to the east in a north and south street.

(k) When used on a speaker's platform, the flag, if displayed flat, should be displayed above and behind the speaker. When displayed from a staff in a church or public auditorium, the flag of the United States of America should hold the position of superior prominence, in advance of the audience, and in the position of honor at the clergyman's or speaker's right as he faces the audience. Any other flag so displayed should be placed on the left of the clergyman or speaker or to the right of the audience.

(l) The flag should form a distinctive feature of the ceremony of unveiling a statue or monument, but it should never be used as the covering for the statue or monument.

(m) The flag, when flown at half-staff, should be first hoisted to the peak for an instant and then lowered to the half-staff position. The flag should be again raised to the peak before it is lowered for the day. On Memorial Day the flag should be displayed at half-staff until noon only, then raised to the top of the staff. By order of the President, the flag shall be flown at half-staff upon the death of principal figures of the United States Government and the Governor of a State, territory, or possession, as a mark of respect to their memory. In the event of the death of other officials or foreign dignitaries, the flag is to be displayed at half-staff according to Presidential instructions or orders, or in accordance with recognized customs or practices not inconsistent with law. In the event of the death of a present or

former official of the government of any State, territory, or possession of the United States or the death of a member of the Armed Forces from any State, territory, or possession who dies while serving on active duty, the Governor of that State, territory, or possession may proclaim that the National flag shall be flown at half-staff, and the same authority is provided to the Mayor of the District of Columbia with respect to present or former officials of the District of Columbia and members of the Armed Forces from the District of Columbia. When the Governor of a State, territory, or possession, or the Mayor of the District of Columbia, issues a proclamation under the preceding sentence that the National flag be flown at half-staff in that State, territory, or possession or in the District of Columbia because of the death of a member of the Armed Forces, the National flag flown at any Federal installation or facility in the area covered by that proclamation shall be flown at half-staff consistent with that proclamation. The flag shall be flown at half-staff 30 days from the death of the President or a former President; 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; and on the day of death and the following day for a Member of Congress. The flag shall be flown at half-staff on Peace Officers Memorial Day, unless that day is also Armed Forces Day. As used in this subsection-

(1) the term "half-staff" means the position of the flag when it is one-half the distance between the top and bottom of the staff;

(2) the term "executive or military department" means any agency listed under sections 101 and 102 of title 5, United States Code; and

(3) the term "Member of Congress" means a Senator, a Representative, a Delegate, or the Resident Commissioner from Puerto Rico.

(n) When the flag is used to cover a casket, it should be so placed that the union is at the head and over the left shoulder. The flag should not be lowered into the grave or allowed to touch the ground.

(o) When the flag is suspended across a corridor or lobby in a building with only one main entrance, it should be suspended vertically with the union of the flag to the observer's left upon entering. If the building has more than one main entrance, the flag should be suspended vertically near the center of the corridor or lobby with the union to the north, when entrances are to the east and west or to the east when entrances are to the north and south. If there are entrances in more than two directions, the union should be to the east.

(Added Pub. L. 105–225, §2(a), Aug. 12, 1998, 112 Stat. 1495 ; amended Pub. L. 110–41, §3, June 29, 2007, 121 Stat. 233 .)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
7	36:175.	June 22, 1942, ch. 435, §3, 56 Stat. 378 ; Dec. 22, 1942, ch. 806, §3, 56 Stat. 1075 ; July 9, 1953, ch. 183, 67 Stat. 142 ; July 7, 1976, Pub. L. 94–344, (6)–(11), 90 Stat. 811 ; Sept. 13, 1994, Pub. L. 103–322, title XXXII, §320922(b), 108 Stat. 2131 .

AMENDMENTS

2007-Subsec. (m). Pub. L. 110–41, in sixth sentence, inserted "or the death of a member of the Armed Forces from any State, territory, or possession who dies while serving on active duty" after "present or former official of the government of any State, territory, or possession of the United States" and substituted ", and the same authority is provided to the Mayor of the District of Columbia with respect to present or former officials of the District of Columbia and members of the Armed Forces from the District of Columbia. When the Governor of a State, territory, or possession, or the Mayor of the District of Columbia, issues a proclamation under the preceding sentence that the National flag be flown at half-staff in that State, territory, or possession or in the District of Columbia because of the death of a member of the Armed Forces, the National flag flown at any Federal installation or facility in the area covered by that proclamation shall be flown at half-staff consistent with that proclamation." for period at end.

FINDING

Pub. L. 110–41, §2, June 29, 2007, 121 Stat. 233 , provided that: "Congress finds that members of the Armed Forces of the United States defend the freedom and security of the United States."

PROC. NO. 3044. DISPLAY OF FLAG AT HALF-STAFF UPON DEATH OF CERTAIN OFFICIALS AND FORMER OFFICIALS

Proc. No. 3044, Mar. 1, 1954, 19 F.R. 1235, as amended by Proc. No. 3948, Dec. 12, 1969, 34 F.R.

19699, provided:

WHEREAS it is appropriate that the flag of the United States of America be flown at half-staff on Federal buildings, grounds, and facilities upon the death of principal officials and former officials of the Government of the United States and the Governors of the States, Territories, and possessions of the United States as a mark of respect to their memory; and

WHEREAS it is desirable that rules be prescribed for the uniform observance of this mark of respect by all executive departments and agencies of the Government, and as a guide to the people of the Nation generally on such occasions:

NOW, THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States of America and Commander in Chief of the armed forces of the United States, do hereby prescribe and proclaim the following rules with respect to the display of the flag of the United States of America at half-staff upon the death of the officials hereinafter designated:

1. The flag of the United States shall be flown at half-staff on all buildings, grounds, and naval vessels of the Federal Government in the District of Columbia and throughout the United States and its Territories and possessions for the period indicated upon the death of any of the following-designated officials or former officials of the United States:

(a) The President or a former President: for thirty days from the day of death.

The flag shall also be flown at half-staff for such period at all United States embassies, legations, and other facilities abroad, including all military facilities and naval vessels and stations.

(b) The Vice President, the Chief Justice or a retired Chief Justice of the United States, or the Speaker of the House of Representatives: for ten days from the day of death.

(c) An Associate Justice of the Supreme Court, a member of the Cabinet, a former Vice President, the President pro tempore of the Senate, the Majority Leader of the Senate, the Minority Leader of the Senate, the Majority Leader of the House of Representatives, or the Minority Leader of the House of Representatives: from the day of death until interment.

2. The flag of the United States shall be flown at half-staff on all buildings, grounds, and naval vessels of the Federal Government in the metropolitan area of the District of Columbia on the day of death and on the following day upon the death of a United States Senator, Representative, Territorial Delegate, or the Resident Commissioner from the Commonwealth of Puerto Rico, and it shall also be flown at half-staff on all buildings, grounds, and naval vessels of the Federal Government in the State, Congressional District, Territory, or Commonwealth of such Senator, Representative, Delegate, or Commissioner, respectively, from the day of death until interment.

3. The flag of the United States shall be flown at half-staff on all buildings and grounds of the Federal Government in a State, Territory, or possession of the United States upon the death of the Governor of such State, Territory, or possession from the day of death until interment.

4. In the event of the death of other officials, former officials, or foreign dignitaries, the flag of the United States shall be displayed at half-staff in accordance with such orders or instructions as may be issued by or at the direction of the President, or in accordance with recognized customs or practices not inconsistent with law.

5. The heads of the several departments and agencies of the Government may direct that the flag of the United States be flown at half-staff on buildings, grounds, or naval vessels under their jurisdiction on occasions other than those specified herein which they consider proper, and that suitable military honors be rendered as appropriate.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this 1st day of March in the year of our Lord nineteen hundred and fifty-four, and of the Independence of the United States of America the one hundred and seventy-eighth.

[SEAL]

DWIGHT D. EISENHOWER.