

## Resolution No. 25-44

### Adopting a Policy for the Display of Flags on City-Owned and Maintained Property

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**WHEREAS**, the City of East Moline owns and maintains various properties and facilities, including City Hall, public parks, public rights of way, and municipal buildings where flags are displayed; and

**WHEREAS**, consistent with the United States Supreme Court's ruling in *Shurtleff v. City of Boston*, 596 U.S. 243 (2022), the City of East Moline desires to protect the status of government owned and maintained property for government speech by adopting a policy formalizing the display of flags; and

**WHEREAS**, it is the intention of the City Council of East Moline to maintain city flagpoles and city property where flags can be displayed as instruments of government speech, and to adopt a policy that provides clear standards for flags to be displayed thereon; and

**WHEREAS**, the City Council finds it necessary to affirm and formalize the City's policy regarding the display of flags on City owned and maintained property.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EAST MOLINE, ILLINOIS, THAT:**

**SECTION 1.** The City of East Moline hereby adopts the Policy Regarding Flag Display on City Owned and Maintained Property as set forth in "Exhibit A," attached hereto and incorporated herein by this reference.

**SECTION 2.** All flags displayed on flagpoles or property owned or maintained by the City shall constitute government speech.

**SECTION 3.** The City shall retain sole discretion to determine which flags may be displayed on property it owns or maintains. The City shall also retain sole discretion to designate, administratively or through city council action, which specific properties or locations under its control may be used for flag displays.

**SECTION 4.** No flag may be displayed on City owned or maintained property unless it complies with the policy adopted in this resolution and has received any necessary approval as outlined therein.

**SECTION 5.** This resolution shall become effective immediately upon its adoption.

Adopted and Approved this 2nd day of June, 2025.

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Mayor

Attest:

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City Clerk

# Exhibit A

## City of East Moline, Illinois

### Policy Regarding Flag Display on City Owned and Maintained Property

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**Purpose:** The purpose of this policy is to establish clear guidelines for the display of flags on city-owned and maintained property to ensure that such displays represent government speech consistent with the identity of the City of East Moline.

**1. Scope and Authority:** All flagpoles or flag display areas located on property owned or maintained by the City of East Moline, including but not limited to City Hall, public parks, public rights of way, and municipal buildings, are not intended to serve as forums for free expression by the public. The display of flags pursuant to this policy shall constitute government speech. The City at its sole discretion shall determine where it shall fly or display flags upon property owned or maintained by the City.

**2. Authorized Official Flags or Display Content:** The following are authorized for display:

- The Flag of the United States of America
- The State Flag of the State of Illinois
- The Official Flag of the City of East Moline
- City departmental flags (Police, Fire, Public Works, etc)
- The POW/MIA Flag

Such flags shall be flown on official flag poles owned and maintained by the City.

**3. Authorized Commemorative Flags or Display Content:** Flags commemorating the following holidays, holiday seasons, special events, or awareness events/months, are authorized for display:

#### **HOLIDAYS**

- |  |                          |
|--|--------------------------|
| • New Year's Day                       | 1-Jan                    |
| • Martin Luther King Jr. Day           | 3rd Monday in Jan        |
| • Memorial Day                         | Last Monday in May       |
| • Juneteenth National Independence Day | 19-Jun                   |
| • Independence Day                     | 4-Jul                    |
| • Labor Day                            | 1st Mon in Sep           |
| • Columbus Day                         | Second Monday in October |
| • Veterans Day                         | 11-Nov                   |
| • Thanksgiving                         | 4th Thursday in Nov      |
| • Christmas Day                        | 25-Dec                   |

#### **HOLIDAY SEASONS**

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|--|--|
| • Spring Season (Mar 1 – Apr 30 (annually adjusted)) | Easter, Passover, Lent, Holy Week, Spring Festivals  |
| • Summer Season (Memorial Day – July 5)              | Memorial Day, Flag Day (June 14), Juneteenth (June 19), Independence Day, Summer Festivals |

- Fall Season (Oct 1 – Nov 30) Halloween, Veterans Day, Thanksgiving, Fall Festivals
- Winter Season (Nov 15 – Jan 5) Thanksgiving, Christmas, Hanukkah, Kwanzaa, New Year's Eve and New Year's Day, Winter Festivals

### **AWARENESS MONTHS**

- American Heart Month February
- National Developmental Disabilities Awareness Month March
- Autism Awareness Month April
- Military Appreciation Month May
- Mental Health Awareness Month May
- National Kidney Disease Awareness Month May
- Pride Month June
- National Alcohol and Drug Addiction Recovery Month September
- National Suicide Prevention Month September
- National Breast Cancer Awareness Month October
- National Diabetes Awareness Month November
- National Alzheimer's Disease Awareness Month November

### **HERITAGE DAYS/MONTHS**

- Black History Month February
- Women's History Month March
- Asian American & Pacific Islander Heritage Month May
- Jewish American Heritage Month May
- Caribbean American Heritage Month June
- International Day of the World's Indigenous Peoples August 9
- Hispanic Heritage Month Sept 15 – Oct 15
- Native American Heritage Month November

### **CITY SPONSORED / SANCTIONED EVENTS or FLAGS**

- Parades
- Music concerts
- Street Festivals

#### **4. Prohibited Uses:** No flag or display may be displayed on city owned or maintained property that:

- Represents or promotes commercial products or private organizations
- Represents a political party.
- Represents a particular religious movement or creed. Flags associated with religious holidays that are also recognized for their broad cultural, seasonal, or historical significance (e.g., Christmas, Passover, Hanukkah, Easter) may be displayed only as part of a general seasonal display. Such flags shall not contain symbols or messaging that promote or endorse specific religious doctrines or practices.
- Advocates a certain outcome in an election.
- Contains offensive, hateful, or discriminatory symbols.
- Has not been expressly authorized by the City Council or designated official.

**5. Application and Approval of Commemorative Flags:** Requests to display a commemorative flag (not listed in Section 3) on city owned or maintained property must be submitted in writing to the Mayor or City Administrator, including:

- The purpose and significance of the flag
- Duration of display
- Design image or description

Approval must then be granted by a majority vote of the City Council and must comply with this policy.

**6. Location & Type of Display:** Commemorative flags shall not be flown on official flag poles owned and maintained by the City but may be displayed at \_\_\_\_\_ Runners' Park \_\_\_\_\_, or a location otherwise designated by the City, administratively or by city council action. Approved commemorative flags may be displayed by being flown on a designated flagpole; hung securely from a permanent structure (such as a façade, amphitheater, or other appropriate architectural element); or through a suitable display case, all approved by the City. All displays must adhere to safety standards and shall not obstruct visibility, access, or interfere with the structural integrity of the mounting location.

**7. Funding and Procurement of Commemorative Flags**

The City of East Moline shall not be responsible for the purchase, production, or maintenance of commemorative flags, even when such flags are authorized under this policy. The City may accept donated commemorative flags from community organizations, residents, or other entities, provided such flags meet the specifications approved by the City and comply with the standards set forth in this policy. All donated flags become the property of the City and may be reused, stored, or retired in accordance with applicable flag care protocols.

**8. Duration:** Approved commemorative flags may be displayed for a period not exceeding 30 days unless extended by City Council vote. Flags shall be flown in accordance with standard flag protocol.

**9. Display and Care of Flags:** The City will follow the United States Code, Title 4, Chapter 1 and the Illinois state provisions, 5 ILCS 465 ("The Flag Display Act") governing the display and care of flags. If any other flag is flown at half-staff, the commemorative flag will also be flown at half-staff.

**10. Severability Clause:** If any provision of this policy is deemed invalid, the remaining provisions shall remain in effect.