

## COVER MEMO FOR BARRE CITY COUNCIL AGENDA ITEM

**TO:** Lucas Herring, Mayor, Barre City  
**FROM:** Barre City Diversity & Equity Committee  
**CC:** Steve Mackenzie, City Manager  
**DATE:**  
**PROPOSED MEETING DATE:** November 10, 2020  
**RE:** Flag Policy  
**SUBJECT:** A POLICY ON FLAG DISPLAYS

**RECOMMENDED ACTIONS:** Motion to approve the policy as presented.

### **PURPOSE/INTENDED OUTCOME:**

- Honor existing flag protocols by establishing a policy which follows the United States and Vermont State provisions governing the display of flags on City property, including the United States flag, the Vermont State flag, the City of Barre flag, and the POW/MIA flag;
- Establish a policy to fly flags at half-mast in the event a City employee has been killed or died in performance of official duties;
- Establish a policy and procedures for the display of special flags;
- Enable the display of a *Black Lives Matter* flag pursuant to the Resolution introduced by Councilor Reil; and
- Express solidarity on matters of public purpose.

**FISCAL IMPACTS:** No expenditures are required for the display of a *Black Lives Matter* flag, for which councilors from all three of the city's wards are willing to contribute. Future flags could be paid for under the City Council Expenses.

### **SOURCE OF FUNDS:**

- Present: Donation.
- Future: General Administration Account, Number 001-5010-110.0150.

**ADMINISTRATIVE IMPACTS:** The proposal would require City staff to implement the policy as part of the normal routine of flag maintenance, raising and lowering.

**LEGAL REQUIREMENTS:** This matter comes before council pursuant to Section 307 of the City's Charter, which states:

*All powers of the City and the determination of all matters of policy shall be vested in the City Council except as otherwise provided by this act or general law.*

**BACKGROUND INFORMATION:** There are moments in history where showing solidarity with a cause and a people is not only morally just, it is imperative.

The great state of Vermont had more soldiers enlist to fight in the civil war per capita than any other in the Union. It was with such moral clarity about the enslavement of human beings that Vermonters marched south to confront the denial of basic and inalienable human rights. The clarity of purpose these brave men and women had makes Coolidge's words ring so true:

*If the spirit of liberty should vanish in other parts of the union and support of our institutions should languish, it could all be replenished from the generous store held by the people of this brave little state of Vermont.*

Today, in a City of granite resolve built by immigrants on lands of the Abnaki, we are confronted with a long national history of injustice against the Black Americans that reverberates in every community and heart across this great country following recent events. From voting rights to fair housing, from education to employment, from criminal law to commerce -- our nation must confront our ugly past and present racism and open our hearts and minds to the generational wounds of a people striving for equal justice under the law, a people calling upon those in power to remember that "all men are created equal".

This item comes before Council not only because it is just to acknowledge this reality and stand in solidarity with our fellow Black citizens, but because the prosperity of our community depends on being, and on becoming, one of the most welcoming and equitable places for people that may not feel safe or welcomed in other places. Indeed, there is no more fundamental responsibility of a government than to make its citizens safe. This Council has a role, as grassroots leaders, to extend that sense of security at a time when the flames of racism, hate, and segregation are fanned by America's highest officers of government.

It's up to each and every one of us to signal that this is a community with a heritage of diversity where safety, respect, opportunity, and prosperity can take root. Adoption of this policy would support an important act, to declare that this City will strive to boldly seek justice and stand against racism. From our trusted law enforcement officers to our quasi-judicial Board members. to the next generation of City leaders, we must carry this vision together.

Although this is one small gesture, adoption of this policy would also ensure that the act of displaying a flag is given the future due deference it deserves in accordance with the purposes and procedures established in the proposed policy.

**ATTACHMENTS/LINKS:**

- Proposed Policy
- 1 VSA 11: United States and Vermont State provisions governing the display of flags [<https://legislature.vermont.gov/statutes/chapter/01/011>]
- Barre City Charter [<https://legislature.vermont.gov/statutes/chapter/24APPENDIX/001>]

## **CITY OF BARRE POLICY ON FLAG DISPLAYS**

### **PURPOSES:**

- Honoring existing flag protocols by establishing a policy which follows the United States and Vermont State provisions governing the display of flags on City property, including the United States flag, the State flag, the City flag, and the POW/MIA flag;
- Establishing policy to fly flags at half-mast in the event a City employee has been killed or died in performance of official duties; and
- Establishing policy and procedures for the display of special flags.

### **PERSONS AFFECTED:**

- Buildings and Community Services staff.

### **APPLICATION**

- This Policy applies to all buildings and facilities owned or controlled by the City of Barre and all individuals employed by or who volunteer with the City of Barre, unless a provision of the policy conflicts with a contract or statute (e.g., Collective Bargaining Agreement, Civil Service Rule, or Memorandum of Understanding).

### **POLICY & PROCEDURE**

1. The City of Barre will follow the Vermont state provisions governing the display and care of flags, including the United State flag, the Vermont State flag, the City of Barre flag, and the POW/MIA flag.
2. The City of Barre flag shall be flown at half-mast in any instance where a City of Barre employee has been killed in the line of duty or has died as a direct result of injuries incurred while in the performance of official duties. A press release will be provided to the public at least five (5) calendar prior to the date the City flag will be flown at half-mast; this date will be determined by the City Manager.
3. City Council may approve the display a special flag or banner upon issuance of a federal, state, or mayoral proclamation; or upon introduction a resolution by a member of Council.
  - a. Examples of special flags or banners include, but are not limited to, the following: sister city flags, heritage month flags, flags of other countries, flags received in recognition of awards, flags received from visiting groups, flags designating an event or accomplishment, or flags supporting social justice initiatives.

4. All approvals for special flag displays shall state the placement and duration of the display, not to exceed 30 calendar days.
5. This policy encourages that special flags be flown one at a time, and not flown simultaneously; however, if more than one special flag is approved for display in the same location for simultaneously display, the order that the flags are placed will be determined by date of submission.
  - a. If there is a request for two different special flags to be flown simultaneously based on the same request, discretion on placement and order will reside with the City Manager.
6. When approving a special flag display City Council shall consider and make a determination on at least one of the following criteria:
  - a. Whether the United States or the State of Vermont has recognized the flag through statute or proclamation;
  - b. Whether the flag represents an organization dedicated to the public good for the citizens of Barre;
  - c. Whether the flag represents a National, State, or City interest;
  - d. Whether the flag is an historic American flag that continues to have a primary positive message of American history and unity;
  - e. Whether the flag promotes unity and community with another city state, country, or other jurisdiction; or
  - f. Whether the flag represents a positive interest or value worthy of public recognition and does not:
    - i. Promote Election Related Activities; For profit entities and projects that promote a for-profit entity and/or its products or services;
    - ii. Use city property to publicly criticize, ridicule, disparage or defame any person or institution;
    - iii. Discriminate against person on the basis of race, color, national origin, religion, gender, age, disability, ancestry, creed, pregnancy, marital, parental status, familial status, sexual orientation, status as a veteran, physical, mental, emotional or learning disability, or any other characteristic protected by federal, state, or local law.

7. Notwithstanding the provisions above, the Mayor shall have the discretion to fly a special flag for a single day, if an appropriate public purpose is served by flying the flag. Approval of the special flag must be accompanied by a Mayoral Proclamation.
8. All special flags and banners must not be larger than the flag of the United States of America, the Vermont State Flag, or the City of Barre Flag and must be placed on the flag pole beneath these flags when flown on the same staff.

#### **REFERENCE**

- 1 VSA 11: United States and Vermont State provisions governing the display of flags [<https://legislature.vermont.gov/statutes/chapter/01/011>]

Adopted and approved this 30th of June, 2020 as certified by the City Clerk

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Carol Dawes