

# CITY OF SPOKANE VALLEY

## Request for Council Action

**Meeting Date:** September 16, 2025

**Department Director Approval:** ☒

**Check all that apply:** ☐ consent ☐ old business ☐ new business ☐ public hearing  
☐ information ☒ admin. Report ☐ pending legislation ☐ executive session

**AGENDA ITEM TITLE:** Administrative Report: Resolution 25-016 Establishing a Flag Policy

**GOVERNING LEGISLATION:** RCW 35A.21.180; RCW 1.20.010

**PREVIOUS COUNCIL ACTION TAKEN:** None.

**BACKGROUND:** At certain times, the City has been asked about flying flags for special occasions on City-owned flagpoles. The City's choice to fly certain flags has constitutional implications. In 2022, the Supreme Court decided *Shurtleff v. City of Boston* which addressed a city's ability to control messaging in raised flags as government speech. This opinion clarified that cities may adopt policies which (1) restrict the flags to be displayed on city property to those flags that reflect the views, values, and goals of the city, and (2) designate city-owned flagpoles as forums only for government expression as opposed to public forums for private speech.

Without a policy guiding the City's selection of which flags are allowed to be displayed on its City-owned flagpoles, the City is at risk of creating a public forum and subjecting its choice of flags or messages to a strict scrutiny analysis pursuant to the Free Speech clause of the First Amendment. Resolution 25-016 reiterates that the City complies with state laws and national protocols for flag display and etiquette for the United States, State, City, and the national league of families' Prisoner of War/Missing in Action (POW/MIA) flags. For instance, it specifically declares that the City will fly the United States flag at half-staff only upon order of the President or proclamation of the Governor, but may, upon declaration by the Mayor, fly the State and City flag at half-staff.

In addition, the policy delineates what messaging City Council desires to allow on City-owned flagpoles and provides procedures for making that determination. As drafted, alternate flags may be displayed that a) recognize and honor members of the U.S. armed forces and public safety institutions, including local, state and federal law enforcement agencies, and emergency services, or b) promote City Council priorities, policies, or programs that positively impact the community; provided that the flag display does not conflict with local, state, or federal law or the other terms of this policy.

Consistent with the Mayor's ceremonial duties, the Mayor retains discretion and sole authority to determine when alternate flags, consistent with the City Council's chosen messages and policy, may be displayed. Upon approval, the requestor shall draft a proclamation and coordinate with the City to display the flag on the appropriate date(s). The proclamation, signed by the Mayor, will be issued accompanying the approval of the flag display.

Additionally, there are a couple of flags that the City has previously flown consistent with its participation in specific programs. Those are the Tree City USA Flag and the Purple Heart flag. Those flags are delineated as pre-approved flags that do not require further application because they are consistent with the stated policy. The list of pre-approved flags may be supplemented by resolution of the City Council.

**OPTIONS:** Consensus to place Resolution 25-016 related to Establishing the City's Flag Policy on a future agenda for motion consideration; or take other action Council deems appropriate.

**RECOMMENDED ACTION OR MOTION:** Consensus to place Resolution 25-016 related to the City's Flag Display Policy on a future agenda.

**BUDGET/FINANCIAL IMPACTS:** N/A

**STAFF CONTACT:** City Attorney Kelly Konkright, Senior Deputy City Attorney Tony Beattie

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**ATTACHMENTS:**

- Proposed Resolution 25-016

**CITY OF SPOKANE VALLEY  
SPOKANE COUNTY, WASHINGTON  
RESOLUTION No. 25-016**

**A RESOLUTION OF THE CITY OF SPOKANE VALLEY, SPOKANE  
COUNTY, WASHINGTON, ESTABLISHING THE CITY COUNCIL'S  
POLICY RELATED TO THE DISPLAY OF FLAGS AT CITY  
FACILITIES, AND OTHER MATTERS RELATED THERETO.**

**WHEREAS**, state and federal laws establish rules and regulations concerning the display of certain flags; and

**WHEREAS**, the City intends, by adoption of this policy, to continue to follow said rules and regulations; and

**WHEREAS**, the City wishes to exercise its control over messaging from City-owned flagpoles by establishing a policy that comports with the values of the City; and

**WHEREAS**, by establishing and following this written policy, the City is lawfully engaging in government speech.

**NOW, THEREFORE**, be it resolved by the City Council of the City of Spokane Valley, Spokane County, Washington as follows:

**Section 1.**     Purpose. It is the policy of the City of Spokane Valley to correctly honor the flags of the United States, the State of Washington, and the City of Spokane Valley, and the national league of families' Prisoner of War/Missing in Action (POW/MIA) flags in accordance with state and federal laws and regulations. The City's flagpoles are exclusively utilized by the City for government expression. Therefore, in addition to complying with state and federal laws and protocols related to proper flag display, it is the policy of the City of Spokane Valley to ensure that the flagpoles are used only for government speech and that alternate flag displays on City flagpoles reflect the views, values, and goals of the City. The City's flagpoles are not intended to serve as a forum for free expression by the public.

**Section 2.**     Flag Display. The City of Spokane Valley shall comply with national and state laws and protocols concerning flag display and etiquette for the United States flag, the Washington State flag, the POW/MIA flag, and the City flag. These laws and regulations include 4 USC §§ 1-10, RCW 35A.21.180 and RCW 1.20.010. Specifically, but not to the exclusion of any other law or protocol, the City recognizes that the United States flag shall only be flown at half-staff on days required by law, and upon order by the President, or proclamation of the Governor. The State flag, City flag, and alternate flags, may be flown at half-staff upon declaration by the Mayor of the City of Spokane Valley to honor the passing of current or former local or regional officials, law enforcement officers, firefighters, and other first responders.

**Section 3.**     Display of alternate flags. In addition to the flags referenced in Section 2, other flags may be displayed on a temporary basis on City-owned flagpoles below or in place of

the City's flag that a) recognize and honor members of the U.S. armed forces and public safety institutions, including local, state and federal law enforcement agencies, and emergency services, or b) promote City Council priorities, policies, or programs that positively impact the community; provided that the flag display does not conflict with local, state, or federal law or the other terms of this policy.

**Section 4.** Procedure for alternate flag display proposals. As part of the ceremonial duties of the Mayor, the Mayor may issue proclamations at his or her discretion that call for the display of alternate flags on certain dates to recognize groups, events, or occasions that comport with City Council's desired message in Section 3. A request to fly an alternate flag shall be directed to the Mayor or City Clerk at least two weeks prior to the proposed date for the display. The request shall contain a copy of the proposed alternate flag, a written description of the message to be conveyed, date(s) for display, and an explanation of how the display comports with the desired message in Section 3 and other relevant terms and restrictions of this policy. The Mayor shall retain full authority and discretion in determining whether the proposed display comports with the desired message in Section 3 and other relevant terms and restrictions of this policy.

The City Clerk shall communicate the Mayor's decision to the individual making the request. If accepted, it shall be the responsibility of the individual making the request to provide the flag, make arrangements through the City Clerk to display the flag on the appropriate date(s), and draft a proclamation. The City retains the right to modify/edit the proposed proclamation as it sees fit. The proclamation shall be signed by the Mayor, and mailed or delivered by alternate means to the requestor as determined by the Mayor.

Upon approval of an alternate flag display by the Mayor, the alternate flag may be displayed annually, at the Mayor's discretion, for the same event, or on the same date(s), without additional application by a requestor when consistent with the other terms and restrictions of this policy,

**Section 5.** Pre-approved alternate flags. The following alternate flags comply with the City Council's desired message described in Section 3, and may be flown at the Mayor's discretion at special events, or on days connected to the flag's message:

Purple Heart flag

Tree City USA flag

This list may be supplemented by City Council resolution.

**Section 5.** Restrictions. No alternate flag shall be flown for more than seven days per year without approval by City Council. Nothing herein shall be deemed to allow the flying of a flag at a time or location which would create a conflict with local, state, or federal law, or the aforementioned protocols and policies contained herein. Flag displays shall not be used to promote any particular candidate, or political campaign, or be used to promote political, or religious causes. Nor shall flags be displayed that sow division amongst or discriminate against groups of people on the basis of race, color, creed, national origin, religion, gender, sexual orientation, or disability.

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**Section 6.**     Effective Date. This Resolution shall be in full force and effect upon adoption.

Adopted this \_\_\_\_\_ day of September, 2025.

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Pam Haley, Mayor

**ATTEST:**

\_\_\_\_\_  
City Clerk, Marci Patterson

**Approved as to Form:**

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Office of the City Attorney