

CITY OF LACONIA - CITY COUNCIL SUBCOMMITTEE MEETING
Joint Meeting - Government Operations & Ordinances Subcommittee and the
Laconia Human Relations Flag Subcommittee
October 13, 2023 - 4:00 pm

City Hall - Armand A. Bolduc City Council Chamber

1. **CALL TO ORDER**
2. **SALUTE TO THE FLAG**
3. **RECORDING SECRETARY**
4. **ROLL CALL**
5. **STAFF IN ATTENDANCE**
6. **ACCEPTANCE OF MINUTES FROM PREVIOUS MEETINGS**
7. **GOVERNMENT OPERATIONS & ORDINANCES (Soucy (Chair), Felch, Cheney)**
 - 7.A. **Discussion regarding City of Laconia Flag Policy**

Documents:

[STAFF REPORT - DISCUSSION REGARDING CITY OF LACONIA FLAG POLICY.PDF](#)
[FLAG POLICY MAY 2023.PDF](#)
8. **CITIZENS REQUESTS TO COMMENT ON CURRENT AGENDA ITEMS**
9. **Any other business that may come before the Council**
10. **ADJOURNMENT**

This meeting facility is ADA accessible. Any person with a disability who wishes to attend this public meeting and needs additional accommodations, please contact City Clerk Katie Gargano, Meeting ADA Coordinator, at City Hall by calling (603) 527-1265 at least 72 hours in advance so that the City can make any necessary arrangements.

**LACONIA CITY COUNCIL – JOINT GOVERNMENT OPERATIONS AND ORDINANCES
SUBCOMMITTEE AND LACONIA HUMAN RELATIONS FLAG SUBCOMMITTEE MEETING
OCTOBER 13, 2023**

**STAFF REPORT
AGENDA ITEM 7.A.
DISCUSSION REGARDING CITY OF LACONIA FLAG POLICY**

Discussion: In March of this year the Laconia City Council initially discussed implementation of a flag policy for the City. Further discussion of this item was referred to the Government Operations and Ordinances Subcommittee. At a Subcommittee meeting on June 19, 2023 the suggestion was made that a meeting be held at a future date with the Laconia Human Relations Flag Subcommittee.

A copy of a draft Flag policy is attached.

Fiscal Impact:

Staff Recommendation:

This report submitted by: Kirk Beattie, City Manager

Proposed motion:

Laconia Flag Display Policy for City Owned Property

Section 1 Purpose:

The intent of this Policy is to enact guidelines for the display of flags other than the flag of the United States of America, the flag of the State of New Hampshire, and the flag of the City of Laconia.

Any and all other flags flown shall be done as government speech, and the intent of this Policy is to establish guidelines for requests to fly any other such flag.

Section 2 Location:

This policy governs, and is limited to, the flying of flags on the flagpole located on the traffic island at the corner of Veteran's Square and Pleasant Street, and is hereinafter referred to as the "Flagpole".

Section 3 Definitions:

Flag is as defined in the City's code at section 235-13.

Event is defined as any happening organized, hosted or produced by any person, business, organization, corporation or charitable organization, for a particular and limited purpose and time, including but not limited to races/walks, fundraisers, concerts, cultural events, food fairs, exhibitions, farmers markets, flea markets, at which three or more vendors will be located.

Annual Observance are those as delineated by the Administrative Office of the U.S. Courts, which include: National Law Day, Constitution Day, Citizenship Day, Anniversary of the Federal Court System, Bill of Rights Day, African American History Month, Women's History Month, Asian Pacific American Heritage Month, LGBTQ Pride Month, Hispanic Heritage Month, and Native American Heritage Month.

Holiday is as delineated by the State of New Hampshire unless otherwise noted.

Mayoral Proclamation is the act of the Mayor of the City recognizing an individual, entity, event, accomplishment, anniversary, or any other event worth recognizing in the Mayor's sole discretion.

Exclusive Use is defined as only the continuous display of the flag that was the subject of the Application on the Flagpole. This term does not allow for any other use of the Flagpole.

Official Ceremonies is defined as official actions of the City, ceremonial items of the City, and/or proclamations of the City.

Section 4 Eligible Participants:

Eligible Participants are only those individuals, groups, and entities who are residents of the City of Laconia, and/or are affiliated with an Event, Annual Observance, Holiday, and/or Mayoral Proclamation occurring in the City of Laconia.

Section 5 Eligible Flags

A flag is only eligible to be flown on the Flagpole upon approval consistent with this policy. Upon said flag being placed on the Flagpole, it becomes the property of the City of Laconia.

Section 6 Process:

Any Eligible Participant may submit an application for the use of the Flagpole to fly a flag, and said application must be accompanied by picture of the Flag to be displayed.

An application may be submitted if the flag in question symbolizes one of the following categories: an Event, Annual Observance, Holiday, or Mayoral Proclamation.

The Application shall include a detailed explanation of how said flag symbolizes the category under which it is submitted, and identify any other uses the symbols depicted on the flag are used by others. If said symbol is found to symbolize something other than what was delineated in the Application, it may be grounds for immediate revocation of the approval.

If the Application is approved, the exclusive use of the Flagpole is granted to the Eligible Participant. However, if any other use is made of the Flagpole other than that as permitted by the Exclusive Use, the City may revoke the approval and the Eligible Participant shall remove the flag and any and all other personal property at the Flagpole site within 6 hours of notification of the revocation. If the Eligible Participant fails to do so, the City may remove such items and dispose of them in their sole discretion.

Failure to complete the Application in its entirety and/or failure to include the picture of the flag to be flown are grounds for denial of the Application.

Applications will be available at the Office of the City Manager, and online at the City's website www.laconianh.gov.

The Application shall include the name of the Eligible Participant and all relevant contact information for the Eligible Participant. Any obligation to contact the Eligible Participant with regard to the Application and the use of the Flagpole shall be deemed satisfied upon one attempt by the City utilizing the contact information provided.

The Application shall include the requested period of time for the exclusive use of the Flagpole, and may in no circumstance exceed thirty (30) days in duration.

Applications shall be submitted no less than thirty (30) days prior to the requested exclusive use period, and not more than one year prior to the requested exclusive use period.

Requests will be accepted and acted upon on a first come first serve basis. Approval of said application will be in the sole discretion of the City Manager. No appeal of that determination is afforded.

Section 7 Display:

All flags shall be displayed in accordance with all Federal and State laws, and shall commence at 8 a.m. on the first day of the Exclusive use period, and shall cease at 5 p.m. on the last date of the Exclusive Use period. Failure to remove said flag at the end of the Exclusive Use period necessitating removal by the City shall be noted for any future applications submitted by the Eligible Participant.

By submitting the Application, the Eligible Participant waives any and all claims against the City of Laconia for use of the Flagpole including, but not limited to, claims of property damage, and any and all other tortious claims.

The City of Laconia reserves the right to revoke the approval to use the Flagpole at any time, and no cause is necessary.

Section 8 Fee

The use of the Flagpole requires a nominal per day fee, of an amount to address maintenance, upkeep, installation and removal costs created by the public's usage of the Flagpole. Said Fee shall be clearly delineated on the Application and shall be paid prior to the usage of the Flagpole.

Section 9 City Use of the Flagpole

During the portions of the year that no Eligible Participant is granted Exclusive Use of the Flagpole, the City may fly a flag on the Flagpole limited to the flag of United States of America, the State of New Hampshire, the City of Laconia, flags of Governments recognized by the United States, flags of Sister Cities, flags displayed in conjunction with Official Ceremonies, flags of Professional and Local Sports Teams. This is done in the sole discretion of the City.

