

RESOLUTION NO. 3202

RESOLUTION REGARDING GOVERNMENT SPEECH

WHEREAS, in the case of *Shurtleff v. City of Boston*, the United States Supreme Court held that the City of Boston, by not exercising enough control over flags flown on one of its flagpoles on the plaza outside Boston's City Hall made that flagpole a public forum,

WHEREAS, the symbolism and expression conveyed by the City through certain actions and events is official government speech protected by the First Amendment,

WHEREAS, the City of Alexandria maintains forms of visual expression, including—but not limited to—signs, flags, banners, artwork, light displays, and other imagery,

WHEREAS, the City of Alexandria uses City-controlled areas including—but not limited to—City-controlled flagpoles, City-controlled infrastructure in the right-of-way, crosswalks, and the exterior of City-controlled buildings, to engage in visual expression,

WHEREAS, the contents of forms of visual expression, along with their presence and position, can convey important messages about government,

WHEREAS, displaying a sign, flying a flag, hanging a banner, exhibiting artwork, arranging light displays, and displaying other imagery other than the government's own flag or logo conveys a governmental message,

WHEREAS, the City of Alexandria hosts City-produced events, which are events organized and controlled, in part or in full, by the City, including—but not limited to—festivals, fairs, markets, and days of remembrance, and

WHEREAS, the subject matter of City-produced events can convey important messages about government.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF ALEXANDRIA, VIRGINIA

1. The City of Alexandria reserves the use of its sign-displaying locations, flag-flying locations, banner-hanging locations, crosswalks, the exterior of City-controlled buildings, and City-produced events for its own official governmental speech;
2. The City of Alexandria's sign-displaying locations, flag-flying locations, banner-hanging locations, crosswalks, the exterior of City-controlled buildings, and City-produced events are not intended to serve as public forums;
3. The following content may be displayed on the City of Alexandria's sign-displaying locations, flag-flying locations, banner-hanging locations, crosswalks, and the exterior

of City-controlled buildings:

- a. The flag or depictions of the flag of the United States, including former official flags of the United States
- b. The flag or depictions of the flag of the Commonwealth of Virginia
- c. The flag or depictions of the flag of the City of Alexandria
- d. Flags or depictions of flags of governments recognized by the United States
- e. Flags or depictions of flags of Sister Cities of the City of Alexandria
- f. The flag or depictions of the flag of any of the Armed Forces of the United States
- g. The Women's Day flag or depictions of the Women's Day flag
- h. The flag of the Red Cross or depictions of the flag of the Red Cross
- i. A Remembrance Banner for the lynching of Joseph McCoy
- j. A Remembrance Banner for the lynching of Benjamin Thomas
- k. The LGBTQ+ Pride flag or depictions of the LGBTQ+ Pride flag
- l. A Banner commemorating Juneteenth
- m. Signs, the Pan-African flag, banners, artwork, light displays, or other imagery regarding Black History Month
- n. Signs, flags, banners, artwork, light displays, or other imagery regarding Hispanic Heritage Month
- o. Signs, flags, banners, artwork, or other imagery representing local neighborhoods, where the neighborhood name is the predominate feature; No such sign, flag, banner, artwork, or other imagery may include commercial advertisements or commercial speech, but may include the name and/or logo of a sponsor, if applicable, as a minimal characteristic. All such signs, flags, banners, artwork, or other imagery must meet any City established standards for safe and uniform installation methods, material, and size, and must be approved by the City Manager's Office as consistent with this resolution prior to being displayed.
- p. Signs, flags, banners, artwork, or other imagery representing local

organizations supported monetarily or through in-kind donations from the City and the sign, flag, banner, artwork, or other imagery promotes the City through i) sponsoring or organizing local events, ii) supporting business or residential areas within the City, or iii) supporting the City's parks and recreation areas (*e.g.*, Visit Alexandria, the Del Ray Business Association, and the Miracle Field). No such sign, flag, banner, artwork, or other imagery may include commercial advertisements or commercial speech, but may include the name and/or logo of event sponsors, if applicable, as a minimal characteristic. All such signs, flags, banners, artwork, or other imagery must meet City established standards for safe and uniform installation methods, material, and size, where applicable, and must be approved by the City Manager's Office as consistent with this resolution prior to display.

- q. Any other signs, flags, banners, artwork, light displays, or other imagery displayed in conjunction with or pursuant to official proclamations or resolutions by the City Council of the City of Alexandria
4. City-produced events may convey government messages related to the following subject matter and include related imagery, such as signs, flags, banners, light displays, artwork, or other imagery:
- a. Black history
 - b. Hispanic heritage
 - c. LGBTQ+ pride
 - d. Women's history
 - e. Domestic violence
 - f. Water resources
 - g. Cherry blossoms
 - h. Jazz music
 - i. The Civil War
 - j. The lighting of the City's holiday tree
 - k. The birthday of the United States and the City of Alexandria
 - l. City departments, City services, City infrastructure, City programs and initiatives, and City employees

m. Any other City-produced events held in conjunction with or pursuant to official proclamations or resolutions by the City Council of the City of Alexandria

5. Resolution No. 3105, enacted on October 25, 2022, is repealed in its entirety.
6. Resolution No. 3124, enacted on January 10, 2023, is repealed in its entirety.
7. The City Manager is empowered to enact policies consistent with this resolution.

ADOPTED: November 28, 2023


JUSTIN M. WILSON MAYOR

ATTEST:


Gloria A. Sitton, CMC City Clerk