

RESOLUTION

Resolution Adopting A Flag Flying and Display Policy for McHenry County in Consideration of U.S. Supreme Court Case *Shurtleff V. City of Boston* (12)

WHEREAS, the McHenry County Board has the authority to adopt ordinances, resolutions, policies and promulgate rules and regulations that pertain to its government and affairs; and

WHEREAS, on May 2, 2022, the United States Supreme Court issued its 9-0 unanimous opinion in *Shurtleff v. City of Boston*, 142 S. Ct. 1583 pertaining to the display of flags on a public flagpole; and

WHEREAS, considering *Shurtleff v. City of Boston*, the McHenry County Board desires to establish a flag flying and display policy.

NOW, THEREFORE BE IT RESOLVED, by this County Board of McHenry County, Illinois that the *Flag Flying and Display Policy* as set forth in Exhibit A to this Resolution is hereby adopted; and

BE IT FURTHER RESOLVED, that this policy shall be applicable for all property owned, leased or otherwise controlled by the County today and as may be in the future; and

BE IT FURTHER RESOLVED, that this policy shall be in full force and effect upon adoption; and

BE IT FURTHER RESOLVED, that the County Clerk is hereby authorized to distribute a certified copy of this Resolution to the Director of Facilities, Chief of Court Security, County Sheriff and County Administrator.

DATED at Woodstock, Illinois, this 21st day of February, A.D., 2023.

Michael Buehler, Chairman
McHenry County Board

ATTEST:

Joseph J. Tirio, County Clerk

RESOLUTION

SUBJECT: Resolution Adopting A Flag Flying and Display Policy for McHenry County in Consideration of U.S. Supreme Court Case *Shurtleff V. City of Boston* (12)

Board / Committee Action Requested: To approve the adoption of a Flag Flying and Display policy that would apply to all county flagpoles.

Background and Discussion: The US Supreme Court Decision in *Shurtleff v City of Boston* highlighted the need to establish a flag flying and display policy to expressly clarify that flags on County flagpoles constitute the County's governmental speech. The attached Flag Flying and Display Policy was developed in accordance with wording proposed by the State's Attorney's Office based on their analysis of *Shurtleff*.

Impact on Human Resources: None.

Impact on Budget (Revenue; Expenses, Fringe Benefits): None.

Impact on Capital Expenditures: None.

Impact on Physical Space: None.

Impact on Other County Departments or Outside Agencies: None.

Conformity to Board Ordinances, Policies and Strategic Plan: This action would create a new policy to regulate flags on the county flag poles.