

Report to Corporate Services Committee

To: Chair and Members
Corporate Services Committee
From: Cathy Saunders, City Clerk
Subject: Proposed Amendment to Council Policy to recognize
National Day for Truth and Reconciliation (National Orange
Shirt Day) – September 30th
Meeting on: September 20, 2021

Recommendation

That on the recommendation of the City Clerk, the following actions be taken with respect to the National Day for Truth and Reconciliation (National Orange Shirt Day) – September 30th:

- a) the attached proposed by-law (Appendix “A”) being “A by-law to amend By-law No. CPOL.-114-366, as amended, being “Flags at City Hall” Policy to provide for that on September 30th of each year the “Every Child Matters Flag” will be flown on the Community Flag Pole to recognize the National Day for Truth and Reconciliation (National Orange Shirt Day)”, BE INTRODUCED at the Municipal Council meeting to be held on October 5, 2021; and,
- b) the attached proposed by-law (Appendix “B”) being “A by-law to amend By-law No. CPOL.-127-379, as amended, being “Illumination of City of London Buildings and Amenities” Policy to provide for City of London buildings and amenities be lit orange on September 30th of each year to recognize National Day for Truth and Reconciliation (National Orange Shirt Day)”, BE INTRODUCED at the Municipal Council meeting to be held on October 5, 2021.

Analysis

1.0 Background Information

At the meeting held of on September 14, 2021, the Municipal Council resolved:

“That the following actions be taken with respect to the information from the AMO Board of Directors meeting of August 14, 2021, related to municipal support for truth and reconciliation:

- a) the information BE FORWARDED to the Civic Administration for consideration; and,
- b) the Civic Administration BE DIRECTED to report back to a future meeting of the appropriate standing committee with potential actions for the Municipal Council to consider, including but not limited to, amendments to the Flags at City Hall Policy.”

In response to the above-noted direction, this report brings forward proposed amendments to the “Flags at City Hall” Policy in accordance with the Municipal Council’s direction. The Civic Administration is also recommending that Council Policy “Illumination of City of London Buildings and Amenities” be amended to provide for City of London buildings and amenities to be lit orange on September 30th to recognize National Day for Truth and Reconciliation (National Orange Shirt Day).

It is noted that City of London buildings and amenities will be lit orange and the “Every Child Matters Flag” will be flown on the Community Flag Pole on September 30, 2021 in recognition of National Day for Truth and Reconciliation (National Orange Shirt Day).

2.0 Discussion and Considerations

2.1 Flags at City Hall Policy

Council Policy “Flags at City Hall” sets out the requirements for the flying of flags at City Hall. Section 4.3 of the Policy speaks specifically to the flying of flags at the Community Flag Pole. Section 4.3 states as follows:

4.3 Community Flag Pole

- a) The following flags shall be permitted to be flown at City Hall on the Community Flag Pole installed at the northwest corner of City Hall, facing Wellington Street:
 - i) the Canadian flag at such times as there is no flag of a charitable or non-profit organization to be flown as provided for in 4.3a)ii), or at such times as the half-masting of a flag is in order, as provided for under 4.4c), below; and,
 - ii) to celebrate achievement, the flag of a charitable or non-profit organization to help increase public awareness of their programs and activities; an organization that has achieved national or international distinction or made a significant contribution to the community, or an organization that has helped to enhance the City of London in a positive manner.
- b) The following guidelines shall be observed for the flying of flags permitted under 4.3a)ii), above:
 - i) the organization’s flag will fly in connection with a particular event by an organization;
 - ii) no flags of commercial, religious or political organizations shall be permitted;
 - iii) no flags of a group or organization whose undertakings or philosophy are contrary to City of London policies or by-laws, or espouse hatred, violence or racism shall be permitted;
 - iv) an organization’s flag shall be flown no more than once per calendar year;
 - v) organizations shall be required to submit requests for their organization’s flag to fly on an annual basis;
 - vi) a flag shall be flown for a period of up to one week, or for the duration of the associated event, whichever is less; and,
 - vii) flags shall only be raised and lowered on those business days that City Hall is open.”

The “Flags at City Hall” also states the following:

“The Canadian flag will be flown at half-mast on the Community Flag Pole to commemorate the following occasions:

Date	Occasion
April 28	National Day of Mourning for Persons Killed or Injured in the Workplace
August 9	Peacekeepers’ Day
Last Sunday in September	National Peace and Police Officers’ Memorial Day

November 11

Remembrance Day*

*Half-masting shall occur at 11:00 a.m. or according to the prescribed order of service at the Cenotaph.

December 6

National Day of Remembrance and Action on Violence Against Women”

The attached amendment to the “Flags at City Hall” Policy (Appendix “A”) proposes that section 4.3a) of the Policy be amended by adding the following new part iii)

- “iii) the “Every Child Matters Flag” to be flown on September 30th of each year to recognize the National Day for Truth and Reconciliation (National Orange Shirt Day).”

The Civic Administration notes that the “Flags at City Hall Policy” also provides for the Canadian Flag to be lowered to half-mast on the Community Flag Pole on the last Sunday in September to recognize “National Peace and Police Officers’ Memorial Day”. There will be years where these two recognitions will conflict with each other and provision will need to be made as to how to deal with the conflict in dates when that occurs.

2.2 Illumination of City of London Buildings and Amenities Policy

The Civic Administration recommends that Council Policy “Illumination of City of London Building and Amenities” also be amended to provide for City of London buildings and amenities be lit orange on September 30th of each year to recognize National Day for Truth and Reconciliation (National Orange Shirt Day).

The purpose of the “Illumination of City of London Buildings and Amenities Policy” is to set out the requirements for lighting City of London buildings and amenities for community events and awareness.

Section 4.1 of the Policy states as follows:

- “4.1. The use of multi-colour capable LED lighting installations on some City of London buildings and amenities provides a unique opportunity to display the official colour associated with a charitable or non-profit organization or a City of London event, in order to create awareness of and/or celebrate an organization or a City of London event.

The following guidelines shall be observed:

Eligibility:

- a) Organizations making a lighting request must be charitable or non-profit organizations.
- b) Charitable or non-profit organizations making a lighting request must have undertakings or philosophies that are in keeping with City of London policies or by-laws, and must not espouse hatred, violence, or racism.
- c) City of London buildings and amenities shall not be illuminated for political, religious, or for-profit organizations or purposes.

Frequency/Timing:

- d) City of London buildings and amenities shall be illuminated no more than once per calendar year, per eligible outside organization, in order to maximize access to all eligible outside organizations.
- e) Lighting may be requested for up to one week, or for the duration of the associated event, whichever is less; noting that conflicts between two or more eligible charitable or non-profit organizations would be settled in favour of the organization which first made its request, with City of London events taking precedence in all instances.

- f) The lighting period will begin and end only on those business days that City Hall is open and staff resources are available to program the lighting. All City of London buildings and amenities with multi-colour capable LED lighting installations shall be illuminated in a consistent manner to the extent that programming allows.
- g) Charitable or non-profit organizations will be required to submit lighting requests on an annual basis.

Exemptions:

- h) The City of London shall not be restricted as to the number of times, or the period for which, lighting is approved.
- i) The City of London may, at its discretion, illuminate each of its buildings or amenities with multi-colour capable LED lighting installations in a manner which is unique from one venue to the next.
- j) Notwithstanding the above, City of London buildings and amenities with multi-colour capable LED lighting installations shall be illuminated on the following occasions:
 - i) July 1: red and white for Canada Day
 - ii) November 10 and 11: red for Remembrance Day
 - iii) Rest of November: purple for Shine the Light on Woman Abuse
 - iv) December: red and green for the holidays”

The Civic Administration recommends that section 4.1 j) of the Policy be amended to add the following new section v) as follows:

- “v) September 30: orange for National Day for Truth and Reconciliation (National Orange Shirt Day).”

5.0 Conclusion

The Civic Administration recommends that the “Flags at City Hall” Policy be amended to provide for that on September 30th of each year the “Every Child Matters Flag” will be flown on the Community Flag Pole to recognize the National Day for Truth and Reconciliation (National Orange Shirt Day). The Civic Administration also recommends that Council Policy “Illumination of City of London Buildings and Amenities” be amended to provide for City of London buildings and amenities to be lit orange on September 30th to recognize National Day for Truth and Reconciliation (National Orange Shirt Day).

Prepared and Recommended by:

Cathy Saunders, City Clerk

Appendix “A”

Bill No.
2021

By-law No. CPOL.-114()-____

A by-law to amend By-law No. CPOL.-114-366, as amended, being “Flags at City Hall” Policy to provide for that on September 30th of each year the “Every Child Matters Flag” will be flown on the Community Flag Pole to recognize the National Day for Truth and Reconciliation (National Orange Shirt Day).

WHEREAS section 5(3) of the *Municipal Act, 2001*, S.O. 2001, C.25, as amended, provides that a municipal power shall be exercised by by-law;

AND WHEREAS section 9 of the *Municipal Act, 2001*, S.O. 2001, C.25, as amended, provides a municipality with the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority;

AND WHEREAS the Municipal Council of The Corporation of the City of London wishes to amend By-law No. CPOL.-114-366, as amended, being “Flags at City Hall” Policy to provide for that on September 30th of each year the “Every Child Matters Flag” will be flown on the Community Flag Pole to recognize the National Day for Truth and Reconciliation (National Orange Shirt Day);

NOW THEREFORE the Municipal Council of The Corporation of the City of London enacts as follows:

1. By-law No. CPOL.-114-366, as amended, being “Flags at City Hall” Policy, is hereby amended by deleting Schedule “A” to the By-law in its entirety and by replacing it with the attached new Schedule “A”.
2. This by-law shall come into force and effect on the date it is passed.

PASSED in Open Council on October 5, 2021

Ed Holder
Mayor

Catharine Saunders
City Clerk

First Reading – October 5, 2021
Second Reading – October 5, 2021
Third Reading – October 5, 2021

Schedule "A"



Flags at City Hall

Policy Name: Flags at City Hall

Legislative History: Adopted September 19, 2017 (By-law No. CPOL.-114-366); Amended July 24, 2018 (By-law No. CPOL.-114(b)-417); Amended June 11, 2019 (By-law No. CPOL.-114(c)-158); Amended August 10, 2021 (By-law No. CPOL.-114(d)-247);

Last Review Date: October 5, 2021

Service Area Lead: City Clerk

1. Policy Statement

1.1 This policy sets out the requirements for the flying of flags at City Hall.

2. Definitions

2.1 Not applicable.

3. Applicability

3.1 This policy shall apply to any person or organization seeking to fly a flag at City Hall.

4. The Policy

4.1 Flags at Front Entrance of City Hall

- a) The following flags shall be permitted to be flown at City Hall on the flag poles over the front entrance of City Hall:
 - i) flags deemed by the City Clerk to be in accordance with the flag etiquette of Canada as established by Heritage Canada (restricted to the flag of the City of London, Canadian provinces, the Canadian flag, the personal flags and standards of the Royal Family and the Governor General and the Lieutenant Governors throughout Canada, the Royal Union flag, and the flags of the United Nations, the North Atlantic Treaty Organization and the Commonwealth); and,
 - ii) an appropriate flag on the occasion of a visiting dignitary, on the day of the dignitary's visit to London City Hall, as a gesture of respect and friendship.

4.2 Flags in City Hall

- a) As an annual observance to recognize the anniversary of the London Township Treaty, the five signatory First Nations (Chippewas of the Thames First Nation, Chippewas of Kettle and Stoney Point First Nation, Walpole Island First Nation, Aamjiwnaang First Nation and Caldwell First Nation) shall be invited to have their flags displayed on September 7th of each year, in City Hall. In the event that September 7th falls on a day on which City Hall is closed, the flags shall be displayed on the first day prior to September 7th that City Hall is open for business.

4.3 Community Flag Pole

- a) The following flags shall be permitted to be flown at City Hall on the Community Flag Pole installed at the northwest corner of City Hall, facing Wellington Street:
 - i) the Canadian flag at such times as there is no flag of a charitable or non-profit organization or the “Every Child Matters Flag” to be flown as provided for in 4.3a)ii) and iii), or at such times as the half-masting of a flag is in order, as provided for under 4.5c), below;
 - ii) to celebrate achievement, the flag of a charitable or non-profit organization to help increase public awareness of their programs and activities; an organization that has achieved national or international distinction or made a significant contribution to the community, or an organization that has helped to enhance the City of London in a positive manner; and,
 - iii) the “Every Child Matters Flag” to be flown on September 30th of each year to recognize the National Day for Truth and Reconciliation (National Orange Shirt Day).
- b) The following guidelines shall be observed for the flying of flags permitted under 4.3a)ii), above:
 - i) the organization’s flag will fly in connection with a particular event by an organization;
 - ii) no flags of commercial, religious or political organizations shall be permitted;
 - iii) no flags of a group or organization whose undertakings or philosophy are contrary to City of London policies or by-laws, or espouse hatred, violence or racism shall be permitted;
 - iv) an organization’s flag shall be flown no more than once per calendar year;
 - v) organizations shall be required to submit requests for their organization’s flag to fly on an annual basis;
 - vi) a flag shall be flown for a period of up to one week, or for the duration of the associated event, whichever is less; and,
 - vii) flags shall only be raised and lowered on those business days that City Hall is open.

4.4 Flags at Back Entrance of City Hall

- a) The following flags shall be permitted to be flown at City Hall on the flag poles over the back entrance of City Hall facing Reginald Cooper Square:
 - i) The flags of all the provinces and territories and the Canadian Flag are hung, in order of confederation, over the back entrance facing Reginald Cooper Square. The Canadian Flag is hung as per the standards outlined in the National Flag of Canada Etiquette issued from the Federal Government.
- b) The precedence for flag order (from left to right) as per the Position of Honour is as follows:
 - i) the National Flag of Canada;
 - ii) the flags of other sovereign nations in alphabetical order (if applicable);
 - iii) the flags of the provinces of Canada (in the order in which they joined Confederation); and,

- iv) the flags of the territories of Canada (in the order in which they joined Confederation).
- c) The flags are raised in the spring, and removed before winter.

4.5 General

- a) The City Clerk will administer the policy for the flying of flags at City Hall.
- b) The following guidelines shall apply to resolving conflicts arising from this policy:
 - i) conflicts between the flying of flags in accordance with 4.1a)i) and 4.1a)ii) shall be settled firstly in favour of those flags being flown in accordance with 4.1a)i) and secondly in favour of those flags being flown in accordance with 4.1a)ii);
 - ii) conflicts between the flying of flags in accordance with 4.3a)i) and 4.3a)ii) shall be settled firstly in favour of those flags being flown in accordance with 4.3a)i) and secondly in favour of those flags being flown in accordance with 4.3a)ii);
 - iii) conflicts between the dates requested for flags to be flown by two or more organizations on the Community Flag Pole shall be settled in favour of the organization which first made its request; and,
 - iv) in the event there is a dispute between an organization and the City Clerk as to the eligibility of a request, the appeal process shall be through the Standing Committee of Council whose mandate it is to deal with such matters, with the Municipal Council having full and final say as to whether or not the request to fly a flag will be granted.
- c) The following guidelines shall be observed for the half-masting of the Canadian flag on the Community Flag Pole:
 - i) the flying of the Canadian flag at half-mast denotes a period of official mourning or commemoration;
 - ii) the City of London will fly the Canadian flag on the Community Flag Pole at half-mast in the event of a death or to commemorate a solemn occasion. The Canadian flag will be lowered at the direction of the Mayor. In consultation with the Mayor, the City Clerk will provide instruction to lower the Canadian flag on the Community Flag Pole;
 - iii) the position of the Canadian flag when flying at half-mast will depend on its size, the length of the mast and its location; but as a general rule, the centre of the Canadian flag shall be exactly half-way down the mast;
 - iv) the official period of mourning is defined as the day of passing until the day of the funeral; and,
 - v) the Canadian flag will be flown at half-mast on the Community Flag Pole to commemorate the following occasions:

Date	Occasion
April 28	National Day of Mourning for Persons Killed or Injured in the Workplace
August 9	Peacekeepers' Day
Last Sunday in September	National Peace and Police Officers' Memorial Day

November 11

Remembrance Day*

*Half-masting shall occur at 11:00 a.m. or according to the prescribed order of service at the Cenotaph.

December 6

National Day of Remembrance and Action on Violence Against Women

Appendix “B”

Bill No.
2021

By-law No. CPOL.-127-()-___

A by-law to amend By-law No. CPOL.-127-379, as amended, being “Illumination of City of London Buildings and Amenities” Policy to provide for City of London buildings and amenities be lit orange on September 30th of each year to recognize National Day for Truth and Reconciliation (National Orange Shirt Day).

WHEREAS section 5(3) of the *Municipal Act, 2001*, S.O. 2001, C.25, as amended, provides that a municipal power shall be exercised by by-law;

AND WHEREAS section 9 of the *Municipal Act, 2001*, S.O. 2001, C.25, as amended, provides a municipality with the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority;

AND WHEREAS the Municipal Council of The Corporation of the City of London wishes to amend By-law No. CPOL.-127-379, as amended, being “Illumination of City of London Buildings and Amenities” Policy to provide for City of London buildings and amenities be lit orange on September 30th of each year to recognize National Day for Truth and Reconciliation (National Orange Shirt Day).

NOW THEREFORE the Municipal Council of The Corporation of the City of London enacts as follows:

1. By-law No. CPOL.-127-379, as amended, being “Illumination of City of London Buildings and Amenities”, is hereby amended by deleting Schedule “A” to the By-law in its entirety and by replacing it with the attached new Schedule “A”.
2. This by-law shall come into force and effect on the date it is passed.

PASSED in Open Council on October 5, 2021.

Ed Holder
Mayor

Catharine Saunders
City Clerk

First Reading – October 5, 2021
Second Reading – October 5, 2021
Third Reading – October 5, 2021

Schedule "A"



Illumination of City of London Buildings and Amenities

Policy Name: Illumination of City of London Buildings and Amenities

Legislative History: Adopted September 19, 2017 (By-law No. CPOL.-127-379);
Amended July 24, 2018 (By-law No. CPOL.-127(a)-422)

Last Review Date: October 5, 2021

Service Area Lead: City Clerk

1. Policy Statement

- 1.1 This policy sets out the requirements for lighting City of London buildings and amenities for community events and awareness.

2. Definitions

- 2.1 Not applicable.

3. Applicability

- 3.1 This policy shall apply to any person or organization seeking the illumination of those City of London buildings and amenities which have multi-colour capable LED lighting.

4. The Policy

- 4.1. The use of multi-colour capable LED lighting installations on some City of London buildings and amenities provides a unique opportunity to display the official colour associated with a charitable or non-profit organization or a City of London event, in order to create awareness of and/or celebrate an organization or a City of London event.

The following guidelines shall be observed:

Eligibility:

- a) Organizations making a lighting request must be charitable or non-profit organizations.
- b) Charitable or non-profit organizations making a lighting request must have undertakings or philosophies that are in keeping with City of London policies or by-laws, and must not espouse hatred, violence, or racism.
- c) City of London buildings and amenities shall not be illuminated for political, religious, or for-profit organizations or purposes.

Frequency/Timing:

- d) City of London buildings and amenities shall be illuminated no more than once per calendar year, per eligible outside organization, in order to maximize access to all eligible outside organizations.

- e) Lighting may be requested for up to one week, or for the duration of the associated event, whichever is less; noting that conflicts between two or more eligible charitable or non-profit organizations would be settled in favour of the organization which first made its request, with City of London events taking precedence in all instances.
- f) The lighting period will begin and end only on those business days that City Hall is open and staff resources are available to program the lighting. All City of London buildings and amenities with multi-colour capable LED lighting installations shall be illuminated in a consistent manner to the extent that programming allows.
- g) Charitable or non-profit organizations will be required to submit lighting requests on an annual basis.

Exemptions:

- h) The City of London shall not be restricted as to the number of times, or the period for which, lighting is approved.
- i) The City of London may, at its discretion, illuminate each of its buildings or amenities with multi-colour capable LED lighting installations in a manner which is unique from one venue to the next.
- j) Notwithstanding the above, City of London buildings and amenities with multi-colour capable LED lighting installations shall be illuminated on the following occasions:
 - i) July 1: red and white for Canada Day
 - ii) November 10 and 11: red for Remembrance Day
 - iii) Rest of November: purple for Shine the Light on Woman Abuse
 - iv) December: red and green for the holidays
 - v) September 30: orange for National Day for Truth and Reconciliation (National Orange Shirt Day).

Administration of Policy:

- k) The City Clerk will administer this policy.
- l) In the event there is a dispute between an outside organization and the City Clerk as to the eligibility of a request, the appeal will be processed through the Corporate Services Committee and Municipal Council shall have full and final say as to whether or not the lighting request will be granted.