



CITY OF SEBASTOPOL CITY COUNCIL

AGENDA ITEM REPORT FOR MEETING OF: September 2, 2025

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**To:** Honorable Mayor and City Councilmembers  
**From:** Toni Bertolero, Public Works Engineer  
Erik Billing, Public Works Supervisor  
**Subject:** City Flag Policy

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**RECOMMENDATION:**

That the City Council adopt a Resolution approving a Flag Policy for the outdoor display of flags and banners.

**EXECUTIVE SUMMARY:**

City flag policies determine which flags are flown on City property and how they are displayed. Historically, the City of Sebastopol has displayed the United States Flag, the State of California Flag, and the City of Sebastopol Flag at City Hall and other City facilities in accordance with federal and state law. The City has also in the past displayed commemorative flags such as the Children's Memorial Day Flag; Pride Flag; and Women's Suffrage Flag to name a few.

Cities have discretion to decide whether to fly non-governmental or commemorative flags, and if so, which ones. In 2009, the City Council adopted Resolution 5737 regarding banners on public light standards (Attachment 3). However, the City does not currently have a formal policy regarding the display of commemorative flags on City facilities or in City or Caltrans street rights-of-way.

A draft Flag Policy has been prepared by City staff and the City Attorney for Council consideration (Attachments 1 and 2).

**BACKGROUND:**

City flagpoles are typically not a public forum and flags flown on City poles normally represent the official sentiments of the City. To avoid public confusion regarding the nature of the forum, and to ensure that the City retains control over all flags displayed on City property, the request is for Council to consider adoption of a flag policy by Council.

The display of commemorative flags on City owned facilities can raise First Amendment Free Speech issues, depending on whether the flag is treated as government speech or private speech on public property. If a flagpole was deemed to be a "limited public forum" under the First Amendment, the City could not pick and choose what commemorative flags to fly, except on a content-neutral basis. However, under the government speech doctrine, the City may advance its own speech without requiring viewpoint neutrality when the government itself is the speaker, so long as the City does not show religious preference or encourage a certain vote in an election. The policy is structured to ensure that any commemorative flags flown at City Facilities would be considered City speech.

**COUNCILMEMBER REQUEST:**

Recently, the City has received public requests to display commemorative flags on City flagpoles as well as in Caltrans right of ways. Establishing a City Flag Policy will:

- Clarify that City flagpoles are not intended to serve as a forum for free expression or speech by the public.
- Establish a process by which commemorative flags may be flown on City flagpoles, upon Council approval, as expressions of the official sentiments of the City.



At the March 5, 2025 meeting, the Mayor requested that Council direct staff to prepare a policy providing guidance, standards, and criteria for the indoor and outdoor display of flags at City facilities, including commemorative flags other than the United States, State of California, and City flags. Council approved that request.

**DISCUSSION:**

The proposed policy establishes clear criteria for the selection, approval, and display of commemorative flags, and ensures that the City retains full discretion over what is displayed on City property and within Caltrans rights-of-way under City maintenance responsibility. The policy was developed by City staff based on research on other cities flag policies, Caltrans Encroachment Permit Manual for guidelines for flags and banners on Caltrans right of way, and policies previously established in Resolution 5737 (Attachment 3). The City also referenced the maintenance agreement with Caltrans to develop the Policy (see Attachment 4).

The City's flagpoles and other facilities are not public forums that anyone can use to fly flags and is not intended to serve as a forum for free expression by the public. Rather, the City's flagpoles would be used exclusively by the City, where the City Council may display a commemorative flag as a form of government expression.

**STAFF (RESPONSIBLE DEPARTMENT) ANALYSIS:**

The City Manager's Office recommends approval of the proposed Flag Policy to ensure clear, consistent, and legally sound standards for the display of governmental and commemorative flags on City facilities; and City and Caltrans right of way.

**CITY COUNCIL GOALS/PRIORITIES/ AND OR GENERAL PLAN CONSISTENCY:**

This agenda item represents the City Council goals/priorities as follows:

Goal 1 – Community Vitality

- Priority 5 – Festive activities/Holiday events

Goal 4 – High performance organization

- Priority 2 – Council protocols and procedures

This agenda item represents the City Council General Plan Consistency (if applicable):

N/A

**FISCAL IMPACT:**

There is no fiscal impact with this approval; Costs associated with reviewing, approving, or installing banners and flags in accordance with the Policy is subject to fees and charges in the City's Master Fee Schedule.

**COMMUNITY OUTREACH:**

This item has been noticed in accordance with the Ralph M. Brown Act and was available for public viewing and review at least 72 hours prior to schedule meeting date. The City has also used social media to promote and advertise the City Council Meeting Agenda Items.

As of the writing of this agenda item report, the City has not received any public comment. However, if staff receives public comment from interested parties following the publication and distribution of this agenda item report, such comments will be provided to the City Council as supplemental materials before or at the meeting.



**RESTATED RECOMMENDATION:**

That the City Council adopt a Resolution approving a Flag Policy.

**CITY COUNCIL OPTION(S):**

1. Adopt the Resolution, with changes, as directed by Council.
2. Do not adopt the Resolution, and give further direction to staff.

**ATTACHMENTS:**

- 1-Resolution
- 2-Flag Policy
- 3-Resolution 5737
- 4-Caltrans/City Maintenance Agreement

**APPROVALS:**

Department Head Responsible for Agenda Item:	Approval Date: 8/25/25
CEQA Determination (Community Development/Planning):	Approval Date: 8/13/25
The action is not a project under the California Environmental Quality Act (CEQA).	
Administrative Services (Financial):	Approval Date: N/A
<u>Costs authorized in City Approved Budget:</u> <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	
Account Code: 100-41-07-4210	

City Attorney Approval	Approval Date: 8/26/25
City Manager Approval:	Approval Date: 8/26/25

CITY OF SEBASTOPOL  
RESOLUTION NO. XXXX-2025

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SEBASTOPOL APPROVING A FLAG POLICY FOR THE  
OUTDOOR DISPLAY OF FLAGS AND BANNERS ON CITY PROPERTY AND RESCINDING RESOLUTION NO. 5737  
RELATING TO FLAGS AND BANNERS

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**WHEREAS**, the City of Sebastopol currently displays the United States Flag, the State of California Flag, and the City of Sebastopol Flag at City Hall and other City facilities in accordance with federal and state law; and

**WHEREAS**, the City Council has discretion to determine whether to display non-governmental or commemorative flags and, if so, which flags to display; and

**WHEREAS**, the City Council adopted Resolution No. 5737 in 2009 establishing guidelines for banners on public light standards, which included provisions related to flags and banners, but the City does not currently have a comprehensive policy regarding the display of governmental and commemorative flags on City property; and

**WHEREAS**, the display of commemorative flags on City-owned facilities can raise First Amendment issues, and the City Council desires to ensure that any such displays are considered government speech, under which the City retains full discretion and control over the messages conveyed; and

**WHEREAS**, the City Council has determined that establishing a formal Flag Policy will:

- Clarify that City flagpoles and public light standards are not intended to serve as a forum for free expression or speech by the public;
- Establish a process for the City Council to approve commemorative flags and banners to be flown on City property to express the official sentiments of the City; and
- Provide clear standards for flag display and banners consistent with applicable federal, state, and local laws and agreements; and

**WHEREAS**, the City Council has reviewed the proposed Flag Policy prepared by City staff and the City Attorney, which includes provisions for the display of governmental and commemorative flags and banners on City property and within Caltrans rights-of-way maintained by the City; and

**WHEREAS**, the City Council desires to rescind and replace any provisions of Resolution No. 5737 that conflict with or are superseded by the newly adopted Flag Policy.

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**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Sebastopol hereby:

1. Approves the Flag Policy attached hereto as *Exhibit A* and incorporated herein by reference.
2. Rescinds Resolution No. 5737
3. Directs City staff to implement the Flag Policy and ensure that all flag displays on City property and within applicable rights-of-way comply with its provisions.

The above and foregoing Resolution was duly passed, approved, and adopted at a meeting by the City Council on the 2<sup>nd</sup> day of September 2025.

I, the undersigned, hereby certify that the foregoing Resolution was duly adopted by the City of Sebastopol City Council by the following vote:

**VOTE:**

Ayes:

Noes:

Abstain:

Absent:

APPROVED: \_\_\_\_\_  
Mayor Stephen Zollman

ATTEST: \_\_\_\_\_  
Mary Gourley, Interim City Manager/City Clerk, MMC

APPROVED AS TO FORM: \_\_\_\_\_  
Alex Mog, City Attorney

Exhibit A – Flag Policy

**FLAG POLICY**

Effective September 2, 2025

Revised/Approved: September 2, 2025 by Resolution # XXX-2025

Council Policy # XX**I. PURPOSE**

The purpose of this Policy is to establish guidance for the outdoor display of flags at City Facilities and public streets, including the display of commemorative flags and banners. Nothing in this Policy is intended to control the City's indoor display of flags, including commemorative flags, within City Facilities. This Policy is commonly referred to as "Flag Policy."

**II. RESPONSIBILITY**

The City Council serves as the final approval authority of the installation of banners and flags under this Policy. The Public Works Director is the approval authority for Encroachment Permits for the installation of banners and flags on City Facilities, City street right-of-way, and Caltrans street right-of-way (as permitted under a maintenance agreement with Caltrans for SR 12 and SR 116).

**III. DEFINITIONS**

The following definitions shall apply to this Policy:

"U.S. Flag" means the Flag of the United States, as defined by 4 USC 1.

"California Flag" means the State Flag of California (also known as the "Bear Flag"), as defined by California Government Code Section 420.

"Banners" means pennant, streamer, flag, sign, picture, figure or other object displayed over a public street, designed for decoration or advertisement.

"City Facility" means any real property that is owned or operated by the City.

"Commemorative Flag" means a flag other than the U.S. Flag or the California Flag. The display of Commemorative Flags constitutes official governmental speech. The display of Commemorative Flags serves solely as an expression of the City's official sentiment and shall not create or serve as a forum for public expression. "Commemorative Flag" shall mean any flag which identifies with a specific date, historical event, cause, nation or group of people, whereby the City honors or commemorates the date, event, cause, nation or people by flying the flag.

"Sister City Flags" means the Sister Cities of the City of Sebastopol. The flags of the City of Sebastopol's Sister Cities ("Sister City Flags") may be displayed in accordance with this policy.

**IV. STANDARDS**

- A. Flags shall be displayed in accordance with Federal and State statutes and this Policy.
- B. Displaying the U.S. Flag and California Flag:

1. No other flag shall be placed above the U.S. Flag and no other flag shall be larger than the U.S. Flag. Other flags may be flown at the same height and in the same size, in accordance with this Policy. Where both the U.S. Flag and the California Flag are flown, they shall be of the same size.
2. Flags should be hoisted briskly and lowered ceremoniously. The U.S. Flag should be hoisted first and lowered last.
3. Flags shall be displayed during operating hours on all days on which the City is open for business, and on national and state holidays. Flags may be displayed twenty-four (24) hours a day as long as they are illuminated during darkness.
5. Flags shall not be displayed during inclement weather. However, all-weather flags may be displayed twenty-four (24) hours a day as long as they are illuminated during darkness.
6. The City shall display the U.S. Flag and the California Flag at City Facilities. The
7. U.S. Flag shall be displayed in the first position of honor. The California State Flag shall be placed in the second position of honor.
8. The authority of ordering flags flown at half-staff rests with the President of the United States, the Governor of the State of California, and the Sebastopol City Council. On behalf of the City Council, the Mayor may authorize flags to be lowered to half-staff. In the Mayor's absence, the City Manager, or his/her designee, may authorize the lowering.
  - a) The flags may be displayed at half-staff upon the death of a government official or employee, past or present, in accordance with recognized customs or practices consistent with all applicable laws, regulations, and employee contracts.
  - b) The flags should first be hoisted quickly to the peak for an instant and then lowered to the half-staff position. The flags should be again raised to the peak before it is lowered for the day. 3
  - c) On Memorial Day, the flags should be displayed at half-staff until noon, then raised to the peak for the remainder of the day.
  - d) The flags, when flown at half-staff, will be flown from the time of death or the ordering to fly flags at half-staff until the time of interment, unless otherwise authorized by law or Presidential direction or order.
9. Whenever the U.S. Flag is flown at half-staff, all displayed flags shall also be flown at half-staff. When lowering a flag to half-staff, the flag shall first be hoisted to its peak for an instant and then lowered to half-staff. At the end of the day, the flag shall again be raised to its peak before being lowered for the day. If any other flag is flown at half-staff, the commemorative flag will also be flown at half-staff.

#### C. Displaying Commemorative Flags

1. Commemorative Flags must be either purchased by the City or temporarily donated for the City's use and must be clean, without holes and tears, and be made of an all-weather fabric.
2. Commemorative Flags must be the same size or smaller than the United States and California flags that are flown and must be below the California flag.
3. The City will not be responsible for the condition of the commemorative flag once flown.

4. Commemorative Flags shall be displayed for a period of time that is reasonable or customary, but no longer than thirty-one (31) continuous days
5. A "Commemorative Flag" shall be consistent with the City's vision, mission and priorities.
6. The following commemorative flags are authorized as part of this policy during the time periods indicated:
  - a) Children's Memorial Day (Fourth Friday in April);
  - b) Progressive Pride (Month of June);
  - c) Women's Equality Day (Week of August 26);
  - d) Sebastopol World Friends (Week of August 21);
  - e) POW/MIA (Month of September).
7. The following are not allowed as Commemorative Flags and will not be considered by the City Council:
  - a) Flags of a particular religious movement or creed to avoid the appearance of City government endorsing religion or a particular religious movement or creed;
  - b) Flags of a political party to avoid the appearance of City government endorsing a political party; and flags advocating a certain outcome in an election.

## **V. REQUIREMENTS FOR PUBLIC REQUESTS FOR HANGING OF FLAGS AND BANNERS**

The City's flagpoles and light standards are not intended to serve as a forum for free expression by the public. The City shall display commemorative flags and banners (whether commemorative or an advertisement) only if authorized by the City Council as an expression of the City Council's official sentiments. Any such authorization shall be given at a duly noticed meeting of the City Council, unless explicitly preapproved by this policy.

- A. Within Caltrans right of way (SR. 116 and SR 12).
  1. The request must be from a non-profit organization
  2. The request is subject to approval by the City Council, unless approved by this policy.
  3. Banners and flags must not contain private advertising whether in text or logo format.
  4. The banner must be of substantial material, such as cloth, canvas, or plastic.
  5. The lowest point of the banner or flag must be at least eighteen (18) feet above the highway pavement.
  6. Suspension or installation of banners or flags is prohibited on State-owned traffic signal poles or other State-owned facilities.
  7. The applicant must apply for a City encroachment permit and pay applicable permit fees, unless otherwise waived by the City, and provide insurance for the hanging of the banners.
  8. The display may be allowed two (2) weeks before the event and may remain in place for the duration of the event. However, the total period of display should not exceed six (6) weeks or as specified in Section VI, paragraph H, whichever is sooner. For additional requirements pertaining to banners on Public Light Standards, see Section VI of this Policy.
  9. If any of these requirements cannot be met, the applicant shall apply for an encroachment permit directly with Caltrans and provide proof of approved Permit to City.



10. For more detailed information, see Caltrans Encroachment Permit Manual, Chapter 5, Specific Encroachment Permits at the following link: [Chapter\\_5.docx](#).
11. For additional requirements additional requirements pertaining to banners on Public Light Standards, see Section VI of this Policy.

B. Within City Street right of way.

1. Paragraphs A(1) through A(9) of Section V, shall apply.
2. For additional requirements pertaining to banners on Public Light Standards, see Section VI of this Policy.

C. City Facilities. Only the U.S. Flag and the State Flag can be displayed on the Corporation Yard and Police Station flagpoles. Commemorative Flags shall be displayed exclusively on the City Hall flagpole and shall not be displayed on other City facilities.

D. Flag Raising Ceremony Logistics. The Mayor is the organizing lead for flag raising ceremonies or if unavailable, the Vice Mayor (Organizing Lead). The Organizing Lead may also select a delegee from among the City Council to assist and shall inform the City Manager of the delegee. The Organizing Lead will coordinate with the City Manager's office to set the date and time of the ceremony, and be the lead for event coordination, including inviting speakers, providing any requested event information for public marketing. The Organizing Lead shall also inform the City Manager as soon as possible of any potential public safety issues as they become known.

E. Flag Raising Ceremonies are outdoor events held in in front of City Hall (7120 Bodega Avenue). Ceremonies are limited to one hour maximum and can accommodate approximately 30 people. Flag raising ceremonies shall make all efforts to be scheduled during normal City Hall working hours, at a date and time available to be supported by City staff.

F. Public Works Department shall maintain the flagpole located at City Hall and the Corporation Yard and the Police Department shall maintain the flagpole at the Police Station. Raising and lowering of flags shall be in accordance with City policies and/or Council resolution.

## **VI. ADDITIONAL POLICIES PERTAINING TO PUBLIC LIGHT STANDARDS**

- A. The Public Works Department shall be responsible for installation and removal of banners of general seasonal or citywide interest ("Welcome to Sebastopol" or "Happy Holidays" for example).
- B. The time period between Thanksgiving and New Years shall be reserved for general holiday banners, as approved by the City Manager.
- C. Non-profit providing a public service may request the installation of banners on brackets not reserved for general interest banners for periods of up to thirty days, subject to approval by the City Council.

- D. Banner placement and removal by applicant shall require filing of appropriate encroachment permits, application fees, provision of insurance meeting City standards, and following installation and removal protocol established by the Public Works Department.
- E. Reservations for time period shall be on a first-come, first-serve basis with filing of a complete application being required to establish a reservation. All reservations are subject to the approval of the City Council to determine if the proposed banner is consistent with the City Council's official sentiments.
- F. A fee as outlined in the current and approved City Master Fee Schedule per banner installed shall be collected for banner bracket replacement/repair.
- G. Organizations installing banners shall also be responsible for their removal not later than thirty days from installation, or within seven days following any event advertised by the banners, whichever is sooner.
- H. Organizations installing banner shall not remove any existing banners without express written approval from the City.
- I. The application for banners shall include a drawing and description of the proposed banner.
- J. The size and materials of the banners shall conform to specifications of the Public Works Department, if not explicitly specified in this Policy.
- K. Banners installed in violation of these banner standards shall be subject to immediate removal by the City and may be subject to penalties, as authorized by applicable laws.
- L. The City Council welcomes donations for additional banner brackets in appropriate locations to allow expansion of the banner program.

This Policy supersedes Resolution 5737.

Resolution Number: 5737

A Resolution of the City Council of the City of Sebastopol Amending Resolution 5619, Establishing Policies Concerning Installation of Banners on Public Light Standards

WHEREAS, as part of downtown streetscape improvements, the City installed brackets to hold festive banners on a number of light fixtures on downtown streets; and

WHEREAS, there has been a strong interest in displaying banners to advertise special events; and

WHEREAS, a banner policy was needed and established guidelines for installation and removal of banners.

NOW, THEREFORE BE IT RESOLVED, that the City Council of the City of Sebastopol adopts the following policies concerning banner installation on public light fixtures where such capability exists:

- The Public Works Department shall be responsible for installation and removal of banners of general seasonal or citywide interest ("Welcome to Sebastopol" or "happy holidays" for example).
- The time period between Thanksgiving and New Years shall be reserved for general holiday banners.
- Non-profit providing a public service shall be eligible for installation of banners on brackets not reserved for general interest banners for periods of up to thirty days.
- Banner placement and removal by applicant shall require filing of appropriate encroachment permits, application fees, provision of insurance meeting City standards, and following installation and removal protocol established by the Public Works Department.
- Reservations for time period shall be on a first-come, first serve basis with filing of a complete application being required to establish a reservation.
- A fee as outlined in the current and approved City User Fee Schedule per banner installed shall be collected for banner bracket replacement/repair.
- Organizations installing banners shall also be responsible for their removal not later than thirty days from installation, or within seven days following any event advertised by the banners, whichever is sooner.
- Organizations installing banner shall not remove any existing banners without express written approval from the City.
- The application for banners shall include a drawing and description of the proposed banner.
- The size and materials of the banners shall conform to specifications of the Public Works Department.
- Banners installed in violation of these banner standards shall be subject to immediate removal by the City and payment of City costs for such removal and assessment of a \$25 per banner penalty.
- The City Council welcomes donations for additional banner brackets in appropriate locations to allow expansion of the banner program.

BE IT FURTHER RESOLVED that Sebastopol based non-profits may request the Sebastopol Public Works Department to install and remove their banners for a fee as listed in the current approved City User Fee Schedule. This will eliminate the need for submitting an encroachment permit application.

APPROVED AND ADOPTED on the 17<sup>th</sup> day of March, 2009.

I, the undersigned, hereby certify that the foregoing Resolution was duly adopted by the City of Sebastopol City Council following a roll call vote:

City of Sebastopol City Council:

AYES: Councilmembers Robinson, Wilson, Shaffer, Vice Mayor Kelley and Mayor  
NOES: None Gurney  
ABSENT: None  
ABSTAIN: None

APPROVED: Sarah Glade Gurney  
Mayor Sarah Glade Gurney

ATTEST: Mary C. Gourd  
City Clerk Mary Gourd

**AGREEMENT WITH CITY OF SEBASTOPOL TO ISSUE ROUTINE  
ENCROACHMENT PERMITS ON CONVENTIONAL HIGHWAYS**

THIS AGREEMENT, made and executed in duplicate this 6<sup>th</sup> day of February, 2008 by and between the State of California acting by and through the Department of Transportation, hereinafter referred to as STATE and the City of Sebastopol, hereinafter referred to as CITY.

WITNESSETH:

**A. RECITALS**

The Parties hereto desire to provide for the CITY to perform particular encroachment permit functions on State Highways 12 and 116 within the jurisdictional limits of CITY, to wit, the issuance of routine encroachment permits and the control and inspection of work performed pursuant to said permits, as provided for in Sections 130 and 676 of the Streets and Highways Code.

**B. AGREEMENT**

This Agreement shall supersede any previous AGREEMENT WITH CITY OF SEBASTOPOL TO ISSUE ROUTINE ENCROACHMENT PERMITS ON STATE HIGHWAYS and/or AMENDMENTS thereto.

- C. In consideration of the mutual covenants and promises herein contained it is mutually agreed that CITY;
1. Shall use State's Standard Encroachment Permit forms.
  2. Shall follow State's policies as contained in State's Encroachment Permit Manual. A copy of said Manual will be furnished upon execution of this Agreement.
  3. Shall follow State's design standards unless CITY'S standards are more restrictive. In the event of conflict as to interpretation, State's standards shall apply.
  4. May issue Encroachment Permits for the following routine encroachments without State's prior approval:
    - a. Temporary Banners, Signs, Decorations – New or Repeat
    - b. Curb, gutter, sidewalk (Removal or Repair of existing only)
    - c. Fence Repair (Removal or repair of existing only)
    - d. Mail or Newspaper Delivery Boxes
    - e. Driveway-Resurface, Reissue (for record purposes only)
    - f. Land Surveys
    - g. Minor building refurbishing, painting, window-washing or routine maintenance activities.
    - h. Cleaning or replacement of existing awnings or signs.
    - i. Sidewalk sales.
  5. Shall collect sufficient fees from the permittee to cover its cost of permit administration, inspection and other permit related costs. No cost for CITY administration, review or inspection shall be charged to or borne by the State.
  6. CITY shall assign qualified personnel to review permit application, plans and specifications, to revise plans and produce permit with appropriate specifications, and to provide construction inspection or monitoring and conduct final inspection of all work performed within the highway right-of-way.
  7. Shall keep on file, subject to State's inspection, all permits issued on State highways; and shall forward copies of all issued permits, along with Notices of Completion, As-Built plans (if any) and all other related data to State's District Permit Engineer immediately upon completion of the work permitted or upon the expiration of the permit.

#### D. LEGAL RELATIONS AND RESPONSIBILITIES

Nothing in the provisions of this agreement is intended to created duties or obligations to or rights in third parties not parties to this contract or affect the legal liability of either party to the contract by imposing any standard of care respecting the maintenance of State highways different from the standard of care imposed by law.

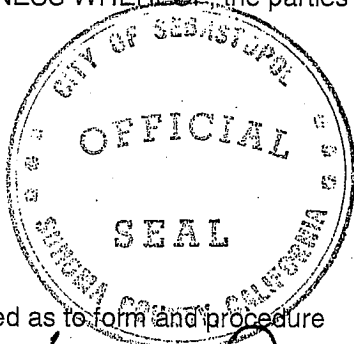
It is understood and agreed that neither the STATE nor any officer or employee is responsible for any damage or liability occurring by reason of anything done or omitted to be done by the CITY under or in connection with any work, authority or jurisdiction delegated to the CITY under this agreement. It is understood and agreed that pursuant to Government Code Section 895.4 CITY shall defend, indemnify and save harmless the State of California, all officers and employees from all claims, suits or actions of every name, kind and description brought for or in account of injuries to or death of any person or damage to property resulting from anything done or omitted to be done by the CITY under or in connection with any work, authority or jurisdiction delegated to the CITY under this agreement.

The CITY waives any and all rights to any type of express and implied indemnity against the STATE, its officers and employees arising from any work, authority or jurisdiction delegated to the CITY under this agreement.

#### E. TERMS OF AGREEMENT

THIS AGREEMENT shall become effective and shall remain in full force and effect until amended or terminated. This Agreement may be amended or terminated at anytime upon mutual consent of the parties hereto. This Agreement may also be terminated by either party upon thirty (30) days written notice to the other party.

IN WITNESS WHEREOF, the parties hereto have set their hands and seals the day and year first above written.



Approved as to form and procedure

*[Signature]*

Attorney  
Department of Transportation

Approved as to Form:

*[Signature]*

City Attorney

CITY OF SEBASTOPOL

BY

*[Signature]*  
Mayor

STATE OF CALIFORNIA  
DEPARTMENT OF  
TRANSPORTATION

BY

*[Signature]*  
Deputy District Director,  
Traffic Operations

RESOLUTION NO. 5645

RESOLUTION AUTHORIZING MAYOR TO SIGN  
AGREEMENT WITH CALTRANS  
(Agreement with City of Sebastopol to Issue  
Routine Encroachment Permits on Conventional Highways)

WHEREAS, the CITY OF SEBASTOPOL desires to perform particular encroachment permit functions on State Highways 12 and 116 within the jurisdictional limits of the City, to wit, the issuance of routine encroachment permits and the control and inspection of work performed pursuant to said permits, as provided for in Sections 130 and 676 of the Streets and Highways Code; and

WHEREAS, Caltrans permits and legal staff and the City Attorney have reviewed and approved a form of Agreement for this purpose, which is attached hereto;

NOW, THEREFORE, the City Council of the City of Sebastopol hereby authorizes the Mayor to sign the Agreement with City of Sebastopol to Issue Routine Encroachment Permits on Conventional Highways.

IN COUNCIL DULY PASSED this 5th day of February, 2008.

APPROVED: \_\_\_\_\_

  
MAYOR CRAIG LITWIN

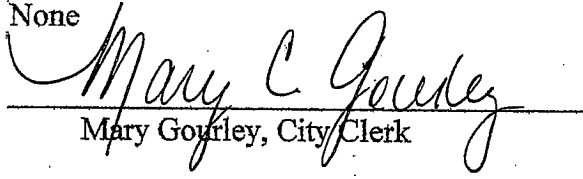
AYES: Councilmembers Robinson, Gurney, Pierce, Kelley and Mayor Litwin

NOES: None

ABSTAIN: None

ABSENT: None

ATTEST: \_\_\_\_\_

  
Mary Gourley, City Clerk