



## Municipality of the District of Argyle

Item: Flag Policy considerations

Date: March 3, 2022

### VISION

We see Argyle as home to a healthy and thriving rural population. Our municipality promotes and supports economic and social opportunities for the region and engages in the active expression of our unique Acadian heritage. We are a place of choice for rural living and are widely recognized for our warm hospitality and joie de vivre. Surrounded by fresh air and cool ocean breezes, we work and play in the great outdoors. People choose to live in Argyle because of our commitment to each other, to our community and to our neighbors. Argyle is a place we are proud to call home.

### **Background:**

On July 15, 2021, Council passed a motion to pass the flag policy (attached) outlining the rules and regulations respecting flag protocols for our four flag poles located on our property on Rue JE Hatfield Court. Since the passing of this policy, three issues have surfaced that require consideration and potential amendment, now that the policy is in practical use. Specifically the following sections should be discussed, changed or clarified:

1. Duration of time for a flag to be flown - Section 2.2.1 of the policy refers to the maximum amount of time a flag is to be flown shall be set at two weeks. The practical issue is that there are some flags that showcase historical significance that can be a month in duration. It should be known that our first flag request and approval was for a history month, and was flown for that month, as we did not have another request for that period. That being said, the policy wording on this matter should be clarified.
2. Section 2.2.8 indicates that when there is no special purpose flag flown on the flagpole, that the Acadian flag shall be flown. – Which indicates that the Acadian Flag shall be lowered in favor of the special purpose flag.
3. No mention of the Municipal flag as an option in the policy.
  1. **Flag duration** – Essentially, we have two choices here, either provide no exceptions to this section or revise the Section to state that the duration may be up to one month provided that there are no other Special flag requests.
  2. **Flag lowering** - Council has received comments and/or complaints of the ‘choice’ to lower the Acadian flag over other community flags. These comments were based on the love and pride of their own culture and identity and is not to be construed as a negative on special purpose flags or other community flags flown. Staff has work to seek a solution to this potential communication concern.

## Policy Reasoning:

The choice to lower one flag vs another was based on flag protocol information sought and received through National sources. The protocols are clear, the Canadian Flag stands first and foremost and is not replaced, followed by the Provincial Flag. After which, the protocols may differ based on which Province you reside. It should be noted that the policy was crafted as closely to National protocol it could find. In receiving feedback from Council, we reached out to the Provincial protocol experts, and they indicated that they are still working on updating their 2013 provincial flag protocols. However, they shared the following:

*In terms of strict flag protocol and National Flag (Canadian Flag) and the Provincial Flag (NS Flag) are official symbols and "Flags" while the Acadian Flag and Grand Council of the Mi'kmaq flags are "banners" and hold no official precedence. That being said, they are all treated with respect and honor as they are important symbols.*

*You are correct to have the Canadian Flag at the far left followed by the Provincial Flag; the order in which you place the Acadian and Mi'kmaq flags is not formalized anywhere -- so there is no problem with the order you presently display these flags in. You are displaying them in the order in which these symbols were adopted by the respective communities.*

*Nevertheless, while the Acadian Flag is older than the Grand Council of the Mi'kmaq Flag, one reason to consider placing the Mi'kmaq Flag right after the Provincial Flag is that the Mi'kmaq have a formal legal/constitutional relationship with the Crown in Right of Canada/Crown in Right of Nova Scotia, through the Treaties of Peace and Friendship and also through the Constitution Act, 1982 (Section 35), and the flag represents a formal legal entity that is in essence an order of government. The Acadian Flag is a community flag that represents a group, but not an order of government.*

*Here is a link to the flag policy used by Government House/Office of the Lieutenant Governor, <https://lt.gov.ns.ca/sites/default/files/GH%20Flag%20Policy%202021.pdf> the diagram at the bottom of page 16 (without the Royal Union Flag) would apply to your situation. This is just the policy used by Government House and it is not a province wide policy.*

## **Request for CAO's consideration:**

Council has asked for this item to be addressed on flag lowering, either status quo or amendment, so staff has created options for Council to consider during their debate.

## **MGA considerations:**

MGA authorizes expenditures for flagpole addition or repair, as it is a municipal expenditure. We are also authorized to develop or amend policy in this area.

## **CAO's Assessment:**

### **Summary of the Provinces' advice – Flag protocol and lowering:**

In short, there is no official order after the Provincial flag, and we can choose to fly in the order we have selected. Their description basically confirms what we researched in the development of the policy. The province has different considerations than we do around

population and cultural sensitivities. They will have a slightly different order which is clearly shown at the bottom of page 16 of the link. In short however, our order is correct, and if we switched the Mi'kmaq and Acadian flags, we would also be correct.

The lowering of flag also does not appear to be governed by official protocol; common sense would suggest that those flags attached to a level of government are always prioritized. While the Mi'kmaq represents a First Nation with its own level of government, it is not a flag that represents an entire national community. It is for this reason we have determined it to be a community flag, as we have more easily concluded with the Acadian flag. It is commonplace for a community to prioritize its own culture and heritage in flag order, but not appropriate to place them in higher standing to Provincial or Canadian flags, as we are all Canadians, and we are all Nova Scotians. For instance, the Mi'kmaq flag is proudly displayed in high order on the reserve, understandably so.

Staff chooses not to enter any debate around whether this is unceded territory or whether it is a village habited by Acadians or other members. It can all be true. Our objective is to fairly and proudly tell the story of who we are, which includes inclusivity and acceptance regardless of language and culture, which is the foundation of our Charter of Rights and Freedoms in this Country.

Since the order of flags is a non-issue, we will present flag lowering options for your consideration. Each recommended option, if selected, cannot be approved until the policy is amended to make it so.

**Option one - select another community flag for lowering at all times.**

This option satisfies one argument but could create another. Our objective is not to send a message that we are diminishing one culture over another. While this is a potential solution to the issue, it may not solve the actual problem, which we define it as providing a respectful place of celebration for those who have created a flag for their organization. Remember our objectives to welcome and invite all, not just some. This is what we do.

**Option two – Alternate flag lowering.**

This option satisfies, to some extent, the issue of respectful recognition. Council could decide, for instance, to amend the policy to allow for each flag to be the lowered when a request comes in. For instance, requests from Jan to June would result in Acadian flag lowering, and July to December would result in Mi'kmaq flag lowering. The policy is then respectful of both cultures and doesn't showcase one over the other. The risk is lack of understanding of the policy and its intent from these organizations.

**Option three – Constant flying of Acadian Flag**

This is a viable and legitimate option, however, to do so without being identical to option one, you will have to add a flagpole to accomplish this. see more information below.

## **Number of flag poles**

We currently manage and fly 4 poles. In doing so, we favored the Acadian and First Nation flag flying over our own Municipal flag. This was done intentionally. The policy is silent on this flag, honestly, for no good reason other than what was just mentioned, and that our flag is visually less appealing. These reasons would not do for protocol purposes, as previously mentioned. If it is in the interest of this Council to fly the municipal flag, without adding another pole, you have not really solved the problem, as one of the two other flags would be lowered permanently.

If you choose that the best result is a fifth pole, this comes with risk. First, we are adding costs to the municipality. While not considerable thinking of other investments we make, it could be \$5,000 on the lowest end, and perhaps closer to 12,000 on the higher end. We have not investigated nor used the procurement process to that end as we don't have that instruction from Council. FYI, the process would likely include 2-3 quotes to fall into our process.

The other factors here to consider include location (on site vs not) and the cost implications of both decisions. Finally, if it is Council's desire to ignore the municipal flag, you will face the issue of having an empty pole when there is no community request, which would attract legitimate criticism of a less than great investment. Remember if we choose an alternative location, that flag is likely to wave 24-7, but **not** at our office, which may not satisfy our residents.

If Council wishes to both incorporate the Municipal flag, **and** add a pole at the current location, then you still **must** decide which flag to lower upon a request.

## **Recommendation**

If Council's preference is to celebrate our history and collective culture over our own organization, but still want our flag to be flown, the solution is relatively simple, recommend we add a pole on location, and add our municipal flag to the display, and drop our municipal flag to showcase community requests. This is not protocol, but it is potentially Argyle. This results in our community flags to be flown at all times.

If Council chooses **not** to fly our municipal flag, then don't add a pole, and pick a better option for flying flags respectfully for both our First Nation and Acadian brothers and sisters.

If Council chooses our flag to be flown, and wants to follow protocol, then add a pole, but alternate which flag is lowered for special requests, as currently it is 100% Acadian flag.

## **Suggested motion:**

Too many options to disclose, Council shall confirm its objectives, and staff shall suggest a motion at this meeting or the next.