

## Summer Angus

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**From:** Regina Mundekis <reggie\_mundekis@me.com>  
**Sent:** Thursday, January 27, 2022 11:49 AM  
**To:** Ashleigh Aitken Board (aitken@ocfairboard.com); Barbara Bagneris; Sandra Cervantes; Natalie Rubalcava-Garcia; mrafiei@ocfairboard.com; npham@ocfairboard.com; dlabelle@ocfairboard.com; nkovacevich@ocfairboard.com; Robert Ruiz; Michele Richards  
**Subject:** January 2022 Board Agenda, Item 8D Flying Pan-African Flag, Follow Up

Dear Board and CEO,

I appreciate and support the work of the Board and staff to embrace our ever increasing diverse communities of Orange County.

This email is a follow up to the comments I made during this item regarding avoiding litigation arising from allowing members of the public to request the Board to fly specific flags. The Supreme Court case I referenced is *Shurtleff v. City of Boston* ([link to ScotusBlog information](#)) where the City of Boston allowed members of the public to request a specific flag be flown at city hall. A group requested a Christian flag be flown and filed suit when their request was turned down. It is expected the current Supreme Court will side with the religious group and not the City of Boston.

The Board engages in a number of commemorations including Latino Heritage Month, California fairs and veterans, among many others. Each commemoration includes an agenda resolution and/or presentation during a Board meeting, making these commemorations official statements of the Board. Issues arise when a member of the public requests their flag to be flown but there is no agenda resolution and/or presentation. A solution to this issue is to not fly a flag at the request of the public while allowing only the Board to determine which flags are flown with the Board agenda including an agenda resolution and/or presentation which mentions flying the flag. The Board could write a policy enshrining this practice.

Regarding commemorations such as Latino Heritage Month, California fairs, and veterans, for examples, there is not one clearly identifiable flag for these commemorations. Several solutions present themselves including:

- Working with community members to choose a flag. In some communities, there may be a division over which flag should represent the group. If there is a division, would more than one flag be flown?
- Having staff choose an existing flag or design a flag.
- Asking members of the public to submit designs and have OC Fair goers vote for their favorites. Voting can include the recommended flags chosen by staff and the community, if desired. Votes of the public would be factored into the decision but not be binding. This method may be desirable for commemorations for California fairs and agriculture where there is a very broad constituency.

Thank you for your interest,

Reggie Mundekis