



Milwaukee Arts Board Findings and Recommendations Regarding the Official City Flag

Prepared by the Legislative Reference Bureau

December, 2018

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**Milwaukee Arts Board
Findings and Recommendations
Regarding the Official City Flag**

City of Milwaukee, Wisconsin
December, 2018

Prepared by:
Legislative Reference Bureau
City of Milwaukee
Room 307, City Hall
200 E. Wells Street
Milwaukee, WI 53202
www.milwaukee.gov/lrb

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I. EXECUTIVE SUMMARY

Common Council File No. 180339, adopted July 31, 2018, directs the Arts Board to report its findings and recommendations to the Common Council by December 31, 2018, in answer to the following directives:

1. Develop a process to determine whether a new flag is necessary.
2. Establish and implement a process for the consideration, review, and possible recommendation of one or more designs for a new official City flag.
3. Develop estimates of the cost to fully implement the adoption of a new flag.

The Arts Board's findings and recommendations are discussed in further detail below. Briefly, the Arts Board responds to the specific directives as follows:

1. The Arts Board developed the following process for determining whether a new flag is necessary: A Flag Design Subcommittee was created. The subcommittee reviewed news articles, social media posts, City meeting minutes, videos, public commentary, and took testimony in the form of a presentation by the People's Flag representatives. The subcommittee voted that a new flag is necessary and delivered its recommendation to the full Arts Board. The Board voted and determined that a new flag is necessary.
2. The flag design subcommittee determined that the process for considering, reviewing, and recommending design for a new official City flag should be to issue a Request for Qualifications/Request for Proposals (RFQ/RFP). It is recommended that the City Clerk's Office is the appropriate body for developing and overseeing the RFQ/RFP process, given that adopting a new flag is a political rather than an aesthetic process.
3. The Arts Board is unable to determine a cost for fully implementing the adoption of a new flag. An RFQ/RFP process would determine the cost based on selection of the best submission. Alternatively, the Common Council could set a budget, which could be as low as \$0 and go up from there.

II. INTRODUCTION

Context and Overview

By Common Council File No. 180339, adopted July 31, 2018, the Arts Board was provided with the following background and historical context to its directive for determining whether a new official City flag design is warranted:

In 1950, the Art Commission (now the Arts Board) voted to hold a citywide design competition for an official City flag. The Art Commission approved a design submitted by Ald. Fred Steffan, which was the incorporation of the best elements from several of the winning designs of the flag design competition, and which is the current official City flag. The current City flag was formally presented to and accepted by the Common Council on behalf of the City of Milwaukee on January 25, 1955.

The Common Council has determined that the collage of imagery used to symbolize the City of Milwaukee in the 1955 design are no longer appropriate or reflective of Milwaukee today.

Section 320-12-4-a of the Milwaukee Code of Ordinances states: “Before any municipal building, bridge, approach or other structure, project or public arts project is constructed, installed or altered by the city, its design shall be submitted to the board for examination and report before final working drawings have been started or any contract has been let.”

Common Council Resolution File Number 001699, adopted August 2, 2001, established a flag design competition with specific procedures set forth for a city-wide design contest. The resolution was later amended on September 5, 2001, by Common Council Resolution File Number 010631, which provided for a statewide competition instead of limiting the design competition to City residents. Common Council Resolution File Number 011376, which was placed on file December 19, 2003, stated that the Common Council would select the new City flag from among the top five entries submitted. No winning design was selected from among the entries in that competition.

In 2016, an unofficial flag design competition was organized by a local nonprofit, Greater Together, and the People's Flag of Milwaukee Design Initiative. More than 1,000 entries were submitted by the public, the entries were narrowed down to five finalists by a panel of judges, including historian John Gurda, the finalists were unveiled at City Hall by Mayor Tom Barrett and Common Council President Ashanti Hamilton, and the public had the opportunity to rate each final design on a scale of 1-10 to determine a winning entry. Any process to design and adopt a new flag must include input from the entire community through an open, transparent, and inclusive process that includes public hearings open to all segments of the community.

Historically, official City flag design has been handled by competition. The Arts Board's involvement with flag design and the interpretation of its role with respect to s. 320-12-4-a is varied. The Arts Board initiated the design competition that resulted in the current flag and approved the design. That design was then forwarded to the Common Council for vote. The design, itself, was developed by a Council member who incorporated elements from several top flag design entries. To that extent, the role of the Arts Board was to announce a competition, review the final design, and submit its recommendation to the Council. Subsequent competitions, however, did not involve the Arts Board. In one instance sponsored by the City, the Common Council initiated a competition, but no winning design was selected. In another instance, a group of residents initiated a competition, selected a winning design, gained some support from elected officials, but did not gain full Common Council support.

Currently, the Common Council has directed the Arts Board to determine the process for selecting a new flag.

The Arts Board's involvement with selecting a new flag depends upon interpretation of s. 320-12-4-a, which should be determined by the City Attorney's Office. The discussion below is simply for the purpose of context and is not a legal opinion.

According to s. 320-12-4-a, the duty of the Arts Board is to examine and report on designs that are public arts projects before finalizing drawings and entering into contract. However, according to the ordinance, "a public arts project is defined to include all forms of limited edition

or one-of-a-kind original creations of visual art created by an artist and located in a space readily accessible by the general public.”

The Arts Board has stated that selection of a new flag is a political, rather than an aesthetic process. A flag is not typically a public arts project in the same vein as a one-of-a-kind mural, statue, or performance designated to a specific location. Instead, a flag is a municipal symbol that can be infinitely repeated without respect to copyright. The designers and proponents of the People’s Flag have placed the flag in the public domain. It is licensed under Creative Commons Zero, which means the design can be copied, modified, distributed, and used for free and for any purpose. Given the non-limited edition and political rather than aesthetic nature of a flag, the Arts Board recommends implementing a flag selection process through the City Clerk’s Office.

III. FINDINGS

On September 11, 2018, the Milwaukee Arts Board developed an Official City Flag Subcommittee to determine whether a new design is needed for the official City flag and, if so, what the process should be for developing or selecting one. The Flag Subcommittee consisted of Arts Board members William DeLind, Tina Klose, Sandra McSweeney, Diane Kosarzycki, David Flores, Marcela Garcia and Mildred Harpole.

The Arts Board Official City Flag Subcommittee met on September 25, October 2, October 29, November 5, and December 3, 2018. The subcommittee presented its findings and conclusions to the Milwaukee Arts Board on November 13, 2018. The findings presented below come from the Flag Subcommittee meetings, a September 21, 2018 report from the Legislative Reference Bureau, and a November 13, 2018 meeting of the full Arts Board. The Flag Subcommittee considered the following elements: cost, the “People’s Flag” process, flag redesign processes in other cities, and the elements it considered necessary for an inclusive flag design process.

On September 25, 2018, the Flag Subcommittee determined that a new flag is needed. On November 13, 2018, the Arts Board determined that the process for a new flag design would be a City-issued Request for Proposals/Request for Qualifications (RFP/RFQ).

The findings from the subcommittee and the full Arts Board are as follows:

A. Cost

On September 25, 2018, the Legislative Reference Bureau presented its research to the subcommittee regarding flags and vexillology, how other cities have selected new flags, flag designs from other cities, and a cost estimate for Milwaukee to replace its flag.

City departments estimate there are approximately 100 flags throughout City locations. Other than Department of Public Works (DPW), the departments do not use the City flag in printed material, signage, business cards, etc. The Police Department flies flags at approximately 12 locations, and estimates that at \$85 per 3’ x 5’ flag, the replacement cost would be approximately \$1,000.

An estimate from the City Clerk’s Office for flags purchased from Flag Center in Wauwatosa prices a 3’ x 5’ flag at \$19.95 per flag and a 4’ x 6’ flag at \$25.95 per flag, plus a small shipping charge. Given the relatively few number of flags in the City’s possession, replacement of the

largest flag at a quantity of 100 would cost \$2,595. DPW estimates a lower cost at \$1,000.

Based on an estimated number of 2,650 pieces of City equipment with current DPW seals on them (two per unit), and approximately 45 minutes to remove the old decals, prep the surfaces and install new decals, the cost would be as follows:

Labor only: \$63.25 for each piece of equipment x 2,650 =	\$167,612
<u>Decal costs: Estimated at \$16 each x 5,300 (2 per unit) =</u>	<u>\$ 84,800</u>
Total cost to retrofit new decals onto existing vehicles and equipment =	\$252,412

Although the current flag is part of the DPW symbol, given the variety of symbols used by City departments, it may not be necessary to rebrand all vehicles at one time. Logo replacement could occur as new vehicles come onboard at no additional cost.

B. People's Flag Process

On October 2, 2018, the group that developed the "People's Flag," Steve Kodis, Ken Hanson, Reggie Jackson, and Los Glover, presented to the Flag Subcommittee. The group conducted workshops across the city, including outreach to schools. Mr. Hanson stated there was no outreach to people with disabilities and no demographic information was collected from people who participated in the workshops, submitted designs, or voted. He stated there was no outreach in languages other than English and there were no translation services. Mr. Kodis stated the only way to vote was online with an email address. The flag is public domain.

The members of the Flag Subcommittee commended the People's Flag group for its efforts, stating its work was admirable and recognizing that the group likely felt the work it had done was sufficient, even gaining some support from elected officials. However, the Subcommittee ultimately determined that outreach efforts were insufficient, especially with respect to the elderly, minority and non-English-speaking communities, and those who have limited access to technology. The Subcommittee identified the following characteristics regarding the People's Flag process:

Positive

1. Workshops were conducted at schools.
2. There were more than 1,000 submissions.
3. The schools where workshops were conducted were diverse.

Negative

1. There were no diverse voices around structuring the process to make it inclusive.
2. There was no outreach conducted through community newspapers and non-English language media, nor were translation services offered.
3. The electronic, social media-driven campaign provided barriers to people without access to the internet.

Suggestions

1. There should be an open public comment period and/or listening sessions representing all neighborhoods regarding the flag.
2. There should be outreach to seniors and neighborhood organizations.
3. There should be outreach to all media channels including media by and for non-English-speaking communities.

C. Flag Design Process in Other Cities

In the Legislative Reference Bureau's September 21, 2018 report (attached), flag redesign efforts in other cities typically fell into the following categories (ordered from most common to least):

1. Citizen-led competitions held in a format similar to that of the People's Flag of Milwaukee competition: Generate public interest with a competition, engage a panel of experts as a selection committee, hold a public vote that uses a ranking system, and select a winning flag.
2. A single citizen designing a flag and attempting to gain public support.
3. City-held competitions.
4. Flags designed or re-designed (by removing offending elements) in-house by City staff.
5. Request for Proposals process conducted by the City.

D. Process Elements Identified by Flag Subcommittee Members as Important

Flag Subcommittee members identified the following elements of the flag design process as being important to include the following:

1. The process should be inclusive of the entire community.
 - a. All voices need to be heard on this topic, and it should not be a specific “credentialed” group, but an intergenerational, cross-cultural group of residents. By tapping in to the whole community, a richer picture can be developed.
 - b. There should be an opportunity for a public comment period before a design is proposed. Public comment period could allow residents to state what is important to them, what unites the city and what should be on the flag. A listening session could be held by each Council member to solicit input from constituents in each district.
 - c. Segments of the community that should be included: elderly, people with disabilities, people whose first language is not English, people who are not technology proficient.
 - d. Communities that had been left out and should be included include Bronzeville, Sherman Park, Latino communities, and migrant communities.
 - e. Entities that should be included:
 - i. Schools.
 - ii. Universities.
 - iii. Boys & Girls clubs.
 - f. Materials must be provided in Spanish, Russian, Hmong, Arabic, and Burmese.
2. The following outreach should be conducted.
 - a. Media.
 - b. Community groups.
 - c. Council members.
3. Entities that could aid in outreach include the following:
 - a. Black Holocaust Museum.
 - b. Community representatives.
 - c. Senior citizen centers.
 - d. Business Improvement Districts.
4. Designs should not be crowd-sourced.
5. Designers should be paid for their work.
6. Design parameters should be broad.

7. It should be determined whether the process should be limited to City residents.
8. Data should be collected regarding outreach and those involved in the process.
9. A Request-for-Proposals (RFP) process with a comment period would be inclusive and appropriate.

E. Process Options

The following options for flag design process were identified:

1. Revise the current flag, which might include removing offensive and outdated images.
2. Adopt the People's Flag.
3. Augment the People's Flag process to include more voices and/or designs.
4. Start all over with a contest or RFP or internal design staff, to include the City's overall branding.

Members stated the following objections to some of the options discussed:

1. Reworking the current flag is not an option given the need for a fresh start.
2. Adopting the People's Flag is not an option, given the issues with the design process, outreach, and inclusivity of the process.
3. Designing the flag internally would not be universally accepted.

Mr. Flores moved, seconded by Ms. Garcia, and with no objections, to recommend the following options to the full Arts Board:

1. RFP/RFQ process.
2. General call for entries.
3. Process by internal staff.

IV. CONCLUSION

Determinations and Recommendations

On September 25, 2018, the Flag Subcommittee determined that a new flag is needed. The motion was made by Mr. Flores and seconded by Ms. Harpole with no objections.

On November 13, 2018, the Flag Subcommittee presented its findings to the full Arts Board. The following three options were presented:

1. RFP/RFQ process.
2. General call for entries.
3. Process by internal design staff.

The Arts Board determined that the process for a new flag design should be an RFP process, including budget and criteria. The motion was made by Mr. DeLind and seconded by Ms. Morris with no objections.

Members of the full Arts Board identified the following elements as important to the process:

1. The RFQ/RFP process could involve the following:
 - a. Include community input and town hall meetings, and community outreach conducted by Council members.
 - b. RFQ/RFP requirements set for holding town hall meetings/listening sessions in aldermanic districts.
 - c. After the RFP is created, additional funds set aside for implementing the RFP.
 - d. Several iterations of the RFP process, including designs for the public to vote on.
2. A general call for entries would be starting all over with a lot of publicity and community outreach/input. Previous submissions from the People's Flag process would automatically be included with the general call for new entries.
3. The Council should provide funding for the process and the town hall meetings run by a consultant and attended by the designer(s).
4. Adopting a new official city flag is essentially a political process and not an aesthetic

one, and Council members should be involved.

At its December 3, 2018, meeting the Subcommittee made the following additional recommendations regarding an RFP process:

1. One RFP resulting in one team is best, as opposed to an RFP for community engagement and another for flag design.
2. The RFP should not be limited to entities based in the City of Milwaukee, and any travel costs should be included in the proposed budget.
3. Cost of the design process will be determined after reviewing responses to the RFP. Alternatively, the Common Council could set a budget.
4. The RFP should stress that inclusivity is very important to the process and ask respondents to demonstrate how they will meet that goal.
5. No minimum qualifications were recommended, however the RFP should request that respondents demonstrate past experience in carrying out both community engagement initiatives and similar design projects.
6. The design team should work closely with Common Council members to determine the best ways to reach constituents in each council district.
7. Design criteria should be left open.
8. The designer should submit at least three flag designs for consideration.
9. A public comment period should follow.
10. The final designs should be submitted to the Common Council for a final vote.

On December 11, 2018, the Arts Board approved this report for submission to the Common Council. The motion was made by William DeLind and seconded by Polly Morris with no objections.

Prepared by: Tea Norfolk, Legislative Fiscal Analyst - Lead

Edited by: Ted Medhin, Legislative Research Supervisor

LRB 173109

Last Updated: December 12, 2018