

## **RESOLUTION 114-08**

### **A RESOLUTION CONCERNING THE OFFERING OF INVOCATIONS PRIOR TO THE MEETINGS OF THE CITY COUNCIL AND OTHER DELIBERATIVE BODIES OF THE CITY OF GRAND JUNCTION**

#### **Recitals:**

Over the course of the last 217 years, the United States government and the various governments of the States, Counties, Cities and Towns that comprise our great country have worked to honor the Constitutional principles and traditions of separation of Church and State as the same are provided for by the First Amendment of the United States Constitution.

The First Amendment provides, among other things, that “Congress shall make no law respecting an establishment of religion.” That principle is made applicable to the States and other subdivisions of government by and through the Fourteenth Amendment and the decisions of various courts construing and applying the Constitution and the Bill of Rights.

The Establishment Clause of the First Amendment was written in order to keep the government from preferring one religion over another, to keep the government from requiring persons to profess a belief or disbelief in any religion and to ensure that no person would be penalized for professing beliefs or disbeliefs.

The Establishment Clause among other things serves to protect religion from the influence of governmental direction and control by disallowing the government from taking a position on matters of religious belief or from making submission to religion in any way a determining factor of a person’s importance, position or influence in the community or the conduct of governmental affairs.

The City has been called upon by some of the City’s citizens, in the name of the Establishment Clause of the First Amendment, to consider the means and methods by which invocations are offered at City Council meetings. That call has caused the City staff and in turn City Council to review and re-affirm their legal obligations to ensure thoughtful adherence to the principles of separation of Church and State but not the separation of God and State.

Many legal cases have been argued and decided on many different facts and points of law regarding separation of Church and State. While that body of law is not wholly settled, one principle, as articulated by the United States Supreme Court, is that it is constitutionally permissible for a public body to invoke divine guidance on the work of the public body.

The Court has further ruled that an invocation or prayer for such divine guidance is not an establishment of religion or a step toward establishment in violation of the First Amendment; instead an invocation is simply a tolerable acknowledgement of beliefs widely held among the people of the United States. The City Council trusts that those same beliefs are widely held by the people of the City of Grand Junction.

The City Council as a statement of its policy does hereby resolve that all invocations and prayers offered at City Council meetings should not serve to establish a religion and in order to achieve that policy and to be consistent with the legal traditions of our country, invocations and prayers offered at City Council meetings or meetings of other deliberative public bodies of the City must not proselytize a particular religious tenet or belief or aggressively advocate a specific religious creed or derogate another religious faith or doctrine.

It is the policy of the City that the invocation is the offering of a brief pronouncement of simple values intended to solemnize the occasion of the meeting. The invocation is not intended for the exchange of views or public discourse; it is intended for the benefit of the City Council or other deliberative public body.

**NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION THAT:**

“Invocation” or “prayer” means a verbal or written statement delivered at the beginning of a public meeting of the City Council or another deliberative public body of the City. In order to comply with applicable Constitutional principles, an invocation or prayer must not be offered to proselytize or advance any one faith or belief or to disparage any other faith or belief.

“Deliberative public body” means the Planning Commission, the Zoning Board of Appeals, the Parks and Recreation Advisory Board and any other authoritative board or commission of the City.

By this resolution the City Council does adopt an invocation policy that is consistent with the principles of the Establishment Clause and honors the long and closely held traditions of our country. The City Council finds and declares as its policy that:

(a) an invocation or prayer as defined herein is to be offered at the beginning of meetings of the City Council or another City deliberative public body (if that deliberative public body passes a standing resolution for an invocation) for the benefit of the City Council and/or the members of the deliberative public body or for observation or acknowledgement of non-sectarian religious or non-religious events, persons or historical events.

(b) an invocation or prayer may be offered on a voluntary basis, at the beginning of the meeting, by:

- (i) a chaplain chosen by the City Council for the City including the deliberative public bodies that desire an invocation or
- (ii) an invocation speaker selected on a random, rotating basis from among a pool of spiritual leaders serving congregations in the City and surrounding local community.

(c) to ensure reasonable objectivity in the selection of invocation speakers the City Council shall on an annual basis direct the City Clerk to compile a list of all known, established congregations and spiritual assemblies located in the community by reference to local telephone book(s), the internet or similar sources or both in the sole discretion of the City Clerk and to advertise in a newspaper of general circulation in the City that the list is being compiled and that interested spiritual leaders may contact the City Clerk to be included on the list.

On a quarterly basis the City Clerk shall randomly select spiritual leaders from the compiled list of congregations or assemblies and invite the spiritual leader of the selected assembly or congregation to offer an invocation. The invitation must contain, in addition to scheduling and other general information, the following statement:

“A spiritual leader is free to offer an invocation according to the dictates of his/her own conscience but in order to comply with applicable Constitutional law, the City Council requests that the invocation not be exploited to proselytize a particular religious tenet or religious creed or derogate another religious faith or to disparage any other faith or belief.”

“Each person who accepts this invitation to deliver an invocation at an upcoming meeting of the City Council and/or a deliberative public body of the City has been selected to deliver an invocation on a random basis.”

“If you [the randomly selected spiritual leader] do not agree to be the invocation speaker, then a moment of silence may be called for by the president of the City Council or the chair of the deliberative public body.”

(d) To ensure that those attending meetings at which an invocation is offered are aware of the purpose of the invocation, the agenda shall contain the following statement:

“The invocation is offered for the use and benefit of the City Council [other deliberative public body as applicable]. The invocation is intended to solemnize the occasion of the meeting, express confidence in the future

and encourage recognition of what is worthy of appreciation in our society. During the invocation you may choose to sit, stand or leave the room.”

(e) In order that the City Council or deliberative public bodies may have access to advice on the current status of the law concerning invocations, the City Attorney shall prepare a statement of the applicable Constitutional law and, upon request, make that statement available to the invocation speakers and the City Council. As necessary, the City Attorney shall update his statement to reflect any changes in the law.

(e) The City Attorney shall defend against a facial challenge to the constitutionality of this Resolution.

(f) Nothing in this section prohibits the City Council or deliberative public body from amending this resolution upon advice from the City Attorney or a determination by a majority of the City Council or deliberative public body, as a matter of policy, to not schedule invocations prior to meetings of the City Council or City body(ies).

Passed and adopted this 6<sup>th</sup> day of August, 2008.

/s/ Gregg Palmer  
President of the Council

ATTEST:

/s/ Stephanie Tuin  
City Clerk