



AGENDA ITEM #2

Discussion about Prayer at Council Meetings

Meeting Date

January 3, 2022

Presenter

Lawson Brown, City Attorney

Public Hearing

Yes No

Summary

The following is a summary from the City Attorney on the issue of prayer at City Council meetings.

Background

The issue arose at the last Council meeting and the City Attorney has shared with the Council and Mayor the applicable law relative to the subject. Having provided such information, Council members and the Mayor have individually advised staff of a desire for the Council's consideration of a written policy on the same.

DISCUSSION: An excellent summary of the case law and constitutional limitations of separation of church and state appear in the attached article. The primary restrictions as articulated by various judicial opinions of various courts (including the federal Fourth Circuit of Appeals which Court decisions are applicable to North Carolina) restrictions can be summarized in five points. First, the prayer practice, if adopted, must be open to all religions. Second, the prayer should be given by invited clergy. Third, the prayer should be given at the outset of the meeting to solemnize the work of the Council. Fourth, the praying clergy or other speaker, should not proselytize, or coerce participation by any persons in attendance. Finally, there should be no evidence that attendees will be treated differently by the Council if attendees decline to attend or participate during the prayer "portion" of the meeting. Any adopted policy should contain five tenets. First, the purpose of the prayer should be articulated: to solemnize the meeting. Second, the policy should state the types of prayers (i.e., to solemnize the actions of the Council) and prayers are not to proselytize a particular faith. Third, it needs to be clear that members of the public are free to leave during such time. Fourth, the policy should be clear that no one will be treated differently by the Council in its consideration of all matters, on any basis as a result of the prayer. Finally, the policy should include a description of the process the City uses in selecting those providing the prayer or invocation.

Financial Impact

N/A

Recommendation

Staff recommends a discussion by the Council to determine if a prayer, invocation or opportunity for private prayer or reflection to be a part of the Council meetings. If a new policy for prayer is requested, staff recommends that the above restrictions be observed and that the above policy tenets be observed. After Public Comments Council will discuss instructions to staff to write a policy consistent with Council's discussion.
