

POLICY REGARDING INVOCATIONS AT MEETINGS OF THE CITY COUNCIL

WHEREAS, The City Council of the City of Mebane (“the City Council”) is an elected legislative and deliberative public body, serving citizens of Mebane (both Alamance and Orange Counties), North Carolina; and

WHEREAS, the Council wishes to solemnize its proceedings by allowing for an invocation at the beginning of each meeting, for benefit and blessing of the City Council; and

WHEREAS, the City Council now desires to adopt this formal, written policy to clarify and codify its invocation practices; and

WHEREAS, the country’s Founders recognized that all individuals possess certain rights that cannot be awarded, surrendered, nor corrupted by human power, and the Founders explicitly attributed the origin of these, inalienable rights, to a Creator, which rights ultimately ensure the self-government manifest in deliberative bodies, upon which the Council desires to invoke divine guidance and blessing; and

WHEREAS, in *Marsh v. Chambers*, 463 U.S. 783 (1983) the United States Supreme Court validated the Nebraska Legislature’s practice of opening each day of its sessions with a prayer by a chaplain paid with taxpayer dollars, and specifically concluded, “The opening of sessions of legislative and other deliberative public bodies with prayer is deeply embedded in the history and tradition of this country. From colonial times through the founding of the Republic and ever since, the practice of legislative prayer has coexisted with the principles of disestablishment and religious freedom.” *Id.* at 786; and

WHEREAS, in *Town of Greece v. Galloway*, 134 S. Ct. 1811, 2014 WL 1757828 (May 5, 2014), the United States Supreme Court validated opening prayers at meetings of the Town Board finding that “legislative prayer lends gravity to public business, reminds lawmakers to transcend petty differences in pursuit of a higher purpose, and expresses a common aspiration to a just and peaceful society.” *Id.* at *7; and

WHEREAS, the City Council desires to avail itself of the Supreme Court’s recognition that it is constitutionally permissible for a public body to “invoke divine guidance” on its work; and

WHEREAS, the Supreme Court has clarified that opening invocations are “meant to lend gravity to the occasion and reflect values long part of the Nation’s heritage” and should not show over time “that the invocations denigrate nonbelievers or religious minorities, threaten damnation, or preach conversion.” *Town of Greece*, 2014 WL 1757828, at *11; and

WHEREAS, the City Council is not establishing a policy that defines the constitutional limits for permissible public invocations; rather this City Council intends to adopt guidelines that are consistent with the guidance provided by several courts (including North Carolina Fourth Circuit Court of Appeals, specifically *Lund vs. Rowan County*, North Carolina, 863 F. 3d 268 (4th Cir. 2017)) that have considered validity of public invocations; and

WHEREAS, numerous courts have approved an invocation practice that incorporates a neutral system to invite religious leaders from the local community and/or volunteers to provide an invocation before public meetings; and

WHEREAS, the City Council intends to adopt a policy that does not proselytize or advance any particular faith, or show any purposeful preference of one religious view to the exclusion of others; and

WHEREAS, the City Council intends to adopt a policy that will not show a purposeful preference of one religious view over another by not permitting the faith of the person offering the invocation to be considered when extending an invitation or scheduling participation; and

WHEREAS, the City Council believes that clergy that serve the local community are peculiarly suited through training, tradition, and public service to petition for divine guidance upon the deliberations of the City Council and to accomplish the City Council's objective to solemnize public occasions, express confidence in the future, and to encourage the recognition of what is worthy of appreciation in society; and

WHEREAS, the City Council accepts as binding the applicability of general principles of law and all the rights and obligations afforded under the United States and North Carolina State Constitutions and statutes.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Mebane hereby adopts the following written policy regarding opening invocations before meetings of the City Council, to wit:

1. It is the intent of the City Council to allow a private citizen to solemnize the proceedings of the City Council. It is the policy of the City Council to allow for an invocation, which may include a prayer, a reflective moment of silence, or a short solemnizing message, to be offered before its meetings for the benefit of the City Council to accommodate the spiritual needs of the public officials.
2. No member of the City Council or any employee of the City or any other person in attendance at the meeting shall be required to participate in any prayer that is offered and such decision shall have no impact on the ability of the person to actively participate in the business of the City Council.
3. No member of the City Council or any employee of the City will direct the public to stand, bow, or in any way participate in the prayers; make public note of a person's presence or absence, attention or inattention during the invocation; or indicate that decisions of the City Council will in any way be influenced by a person's acquiescence in the prayer opportunity.
4. The invocation shall be voluntarily delivered by an appointed representative of a Religious Groups "List" for the City Council. To ensure that such person (the "invocation speaker") is selected from among a wide pool of representatives, on a rotating basis, the invocation speaker shall be selected according to the following procedure:
 - a. The City Clerk shall compile a database List of the assemblies with an established presence in the City that regularly meet for the primary purpose of sharing a religious perspective (herein referred to as a religious group).

- b. The List shall be compiled by using reasonable efforts, including research from the Internet, to identify all “churches”, “synagogues”, “congregations”, “temples”, “mosques” or other religious groups and assemblies in the City. All religious assemblies with an established presence in the City are eligible to be included in the List, and any such religious assembly can confirm its inclusion by specific written request to the Clerk.
- c. The policy is intended to be and shall be applied in a way that is all-inclusive of every diverse religious assembly serving the citizens of the City. The List is compiled and used for purposes of logistics, efficiency, and equal opportunity for all of the community’s religious leaders, who may themselves choose whether to respond to the City Council’s invitation and participate. Should a question arise as to the authenticity of a religious assembly, the Clerk shall refer to criteria used by the Internal Revenue Service in its determination of those organization that would legitimately qualify for I.R.C. § 501(c)(3) tax-exempt status.
- d. The List shall also include any religious assembly located outside the City of Mebane if such assembly is regularly attended by at least one resident of the City of Mebane and such resident requests inclusion of the assembly by specific written communication to the Clerk.
- e. The List shall be updated, by reasonable efforts of the Clerk in October of each calendar year.
- f. At the November meeting of the City Council of each calendar year, the Clerk shall mail an invitation addressed to the “religious leader” of each entry on the List.
- g. The invitation shall be dated at the top of the page, signed by the Clerk at the bottom of the page, and read as follows:

Dear Religious Leader,

The City Council of the City of Mebane makes it a policy to invite members of the clergy or religious representatives in the City of Mebane to voluntarily offer an invocation before the beginning of its meetings, for the benefit and blessing of the City Council. As a representative of one of the religious congregations with an established presence serving the local community you are eligible to offer this important service at an upcoming meeting of the City Council.

If you are willing to assist the City Council in this regard, please send a written reply at your earliest convenience to the Clerk at the address included on this letterhead. Representatives are scheduled on a first-come, first-serve basis. The anticipated dates of the City Council’s scheduled meetings for the upcoming year are listed in the following, attached page. If you have a preference among the dates, please stated that request in your written reply.

This opportunity is voluntary, and you are free to offer the invocation according to the dictates of your own conscience. To maintain a spirit of respect, the City Council requests only that the opportunity not be exploited as an effort to convert others to the particular faith of the invocation speaker or to disparage any faith or belief different than that of the invocation speaker.

On behalf of the City Council of the City of Mebane, I thank you in advance for considering this invitation.

*Sincerely,
Clerk to the City Council*

- h. The respondents to the invitation shall be scheduled on a first-come, first-serve basis to deliver the invocation.
 - i. In the event an eligible representative of a religious group serving the local community believes that the Clerk has not complied with the terms of this policy, the representative has the right to have the matter reviewed by the City Council.
5. No invocation speaker shall receive compensation for his or her service.
 6. No guidelines or limitations shall be issued regarding an invocation's content, except that the City Council shall request by the language of this policy that no invocation should proselytize or advance any faith, or disparage the religious faith or non-religious views of others.
 7. The Clerk shall make every reasonable effort to ensure a variety of eligible invocation speakers are scheduled for the City Council's meetings.
 8. Neither the City Council nor the Clerk shall engage in any prior inquiry, review of, or involvement in, the content of any invocation to be offered by an invocation speaker.
 9. This policy is not intended, and shall not be implemented or construed in any way, to affiliate the City Council with, nor express the City Council's preference for, any faith or religious denomination. Rather, this policy is intended to acknowledge and express the City Council's respect for the diversity of religious denominations and faiths represented and practiced among the citizens of the City of Mebane.

NOW, THEREFORE, BE IT FURTHER RESOLVED that this policy shall become effective immediately upon adoption by the City Council.

This the _____ day of _____, 2022.

CLERK

MAYOR

DRAFT