



MEMORANDUM

To: Mayor and City Councilors
From: Rich Olson, City Manager
Date: January 9, 2014
Re: Discussion – City Council Meeting Invocation

During the City Council meeting of December 9, 2013, Councilman Horton requested that staff place on the next City Council agenda a discussion item regarding prayer during Council meetings.

In 2011, the American Civil Liberties Union (ACLU) sued Forsyth County for beginning their public meetings with a sectarian prayer. Forsyth County lost their legal battle with the ACLU on this issue. Staff provided members of the City Council a copy of that ruling.

In February 2012, staff drafted a non-sectarian prayer policy to guide those individuals offering meeting innovations guidance on how the prayer should be said. Council declined to adopt this policy.

During the March 26, 2012 meeting, the Council took action to allow for a "Moment of Silent Reflection" prior to each Council and Committee meeting. The City Council's Rules of Procedure were amended to reflect this change in "Rule 6 - Order of Business".

RCO/vdw



MEMORANDUM

To: Mayor and City Councilors
From: Rich Olson, City Manager
Date: February 21, 2012
Re: Consideration – Non-Sectarian Prayer Policy

BACKGROUND:

Last year, the ACLU sued Forsyth County for beginning their public meetings with a sectarian prayer. Several members of the Council have received articles concerning the case and believe the City Council should formulate a policy, which brings the City into compliance with the ruling.

ANALYSIS:

Attached is a draft of a proposed policy, which would be provided to local ministers prior to giving an invocation for City Council meetings. Staff has drafted what we believe is a straightforward policy, which would be in compliance with the Forsyth County ruling. Staff requested policies from other cities and counties in North Carolina in an effort to help us develop the policy. Unfortunately, we have not been able to find a North Carolina city or county with a formal policy. During our solicitation, we did receive quite a few personal opinions on this issue, which would be contrary to the Forsyth County ruling.

The policy drafted by staff is to provide guidance to the individuals who may be invited to provide the invocation. The policy specifically mentions the Court rulings that mandate non-sectarian prayer. The non-sectarian prayer is to provide members of the City Council a time to reflect and to provide encouragement. The prayer is not to be used to promote one faith or belief over another. The policy further states that those providing the invocation refrain from making references that are specific to any particular religion, denomination or sect or that promotes particular religious figures, deities, images or symbols. This section of the policy would prohibit the use of the name of Jesus Christ, which is predominantly used by our local ministers when giving an invocation.

Staff has provided a copy of the policy to the following local ministers for their review and comment:

Pastor Max Edwards, Evangelical Methodist Church
Rev. Phil Dowdy, Forerunner Ministries
Dr. Walter Smith, Corner Stone Missionary Baptist Church
Rev. Bonsai Caison, Coordinator of EC Police Department Chaplaincy Program
Rev. Dr. Ricky Banks, St. Stephens Missionary Baptist Church
Dr. Clay Perkins, Mid-Atlantic Christian University
Rev. Michael Barclift, Mt. Carmel Missionary Baptist Church
Rev. Brent Melton, Rector of Christ Episcopal Church
Father Jim Buchholz, Holy Family Catholic Church

There are many differing opinions among local clergy on this issue.

RCO/vdw

**POLICY FOR INVOCATIONS
OFFERED DURING OPEN MEETINGS OF THE CITY OF ELIZABETH CITY
COUNCIL AND OFFICIAL CITY OF ELIZABETH CITY BOARDS**

Purpose:

This policy is intended to provide guidance to those individuals giving invocations during City Council meetings and other open meetings conducted under the name of the City of Elizabeth City. It is intended to encourage respect for the rich diversity of religious beliefs found in Elizabeth City, as well as to adhere to well-established Federal law requiring that those invocations be non-sectarian.

Guidelines:

Pursuant to the interpretations of Federal Constitutional law, rendered by various Federal Courts, non-sectarian prayers are allowed during meetings of public bodies. The City of Elizabeth City's policy complies with the Courts' interpretation, since the following policy avoids marginalizing meeting attendees of different faiths and does not promote one religion or sect at the expense of another.

Once a speaker accepts the opportunity to deliver the invocation, he will be provided with a copy of this policy. A recap of the Fourth Circuit Court opinion provides: Religious leaders shall refrain from making references that are specific to any particular religion, denomination or sect or that promote particular religious figures, deities, images or symbols. The prayer should not be used to proselytize or advance any one faith or belief, nor should it be used to disparage any other faith or belief. Prayers shall not contain in content the name of any specific belief; however prayers may contain phrases such as "His name", "God Almighty", "Lord", "Creator", and end with "Amen".

Procedure:

Once the speaker agrees to abide by the rules imposed by these Federal Court decisions and the City's guidelines on invocations, he may render the prayer before the City Council meeting and other meetings of official boards.

The Mayor shall introduce the speaker by mention of his name only. (Example: Mr., Mrs. or Miss Smith will now render the invocation.) The Mayor may also mention that the City's policy requires that only non-sectarian prayers may be rendered.

Any violation of this policy by those invited to deliver the invocation will "end" public participation in the invocations; after which only members of Council or the Mayor may render the invocation, following the same guidelines set forth in this policy.

Policy adopted by the City Council on _____.