

RESOLUTION No. 15-32

**A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE
CITY OF COOLIDGE, ARIZONA, ADOPTING A WRITTEN
POLICY REGARDING OPENING INVOCATIONS BEFORE
MEETINGS OF THE COOLIDGE CITY COUNCIL.**

WHEREAS, the City Council of the City of Coolidge (“City Council”) is an elected legislative and deliberative public body, serving the citizens of the City of Coolidge, Arizona; and

WHEREAS, the City Council wishes to solemnize its proceedings by allowing for an opening invocation before each meeting; and

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

WHEREAS, in *Town of Greece v. Galloway*, 134 S.Ct. 1811 (2014), the United States Supreme Court validated opening prayers at meetings of the Town of Greece Board and recognized that it is constitutionally permissible for a public body to “invoke divine guidance” on its work; 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 is not establishing a policy that defines the constitutional limits for permissible public invocations; rather, the City Council intends to adopt guidelines that are consistent with the guidance provided by the courts that have considered the validity of public invocations; and

WHEREAS, numerous courts have approved an invocation practice that incorporates a neutral system to invite religions leaders from the local community and/or volunteers to provide an invocation before public meetings. *Town of Greece v. Galloway*, 134 S.Ct. 1811 (2014); *see also Simpson v. Chesterfield Cnty. Bd. of Supervisors*, 404 F.3d 276 (4th Cir. 2005); *cert. denied*, 546 U.S. 937 (2005); *Pelphrey v. Cobb Cnty.*, 547 F.3d 1263 (11th Cir. 2008); *Rubin v. City of Lancaster*, 710 F.3d 1087 (9th Cir. 2013); 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 accepts as binding the applicability of general principles of law and all the rights and obligations afforded under the United States and Arizona State Constitutions and statutes.

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

1. Purpose

To establish a policy, criteria, guidelines and procedures for allowance of an invocation at regularly scheduled City Council meetings.

2. Scope

This policy affects elected officials and the regular meeting schedule of the Coolidge City Council.

3. Responsibilities

The City Clerk is responsible for the implementation and update of this policy. The City Council is responsible for the enforcement of this policy.

4. Policy

4.1 It is the policy of the Coolidge City Council to allow for an invocation, which may include a prayer, reflective moment of silence or short solemnizing message. An invocation shall be offered before the regular City Council meetings.

4.2 No member of the City Council, employee of the City or any other person in attendance at the meeting shall be required to participate in any invocation that is offered, and their presence, or lack thereof, when the invocation is delivered will have no impact on their observation or participation in any aspect of the meeting.

4.3 The invocation shall be voluntarily delivered by an eligible member of religious/spiritual organizations in the incorporated limits of the City of Coolidge, Arizona. To ensure that such person is selected from among a wide pool of religious/spiritual organizations in the community, on a rotating basis, the invocation speaker will be selected according to the procedure in Section 5.1.

4.4 No invocation speaker shall receive compensation for his or her service.

4.5 No invocation speaker shall proselytize or otherwise openly seek to promote certain aspects of doctrine or faith; openly advocate or campaign for conversion of individuals or groups; or openly advance any faith, belief, doctrine or dogma. No invocation shall disparage the religious faith or non-religious views of others.

4.6 Invocation shall not exceed 3 minutes in length.

- 4.7 Anyone violating this policy is subject to disqualification from offering future invocations and will be removed from the database of religious/spiritual organizations eligible to give the invocation.
- 4.8 This policy is not intended, and shall not be implemented or construed in anyway, to affiliate the City Council with, nor express the City Council's preference for, any faith or religious/spiritual organization. Rather, this policy is intended to acknowledge and express the City Council's respect for the diversity of religious and spiritual faiths represented and practiced among the citizens of the City of Coolidge.
- 4.9 Neither City Council nor staff shall engage in any inquiry, examination, restriction, review of, or involvement in the content of any invocation being offered.
- 4.10 If the selected invocation speaker does not appear at the scheduled meeting, the Mayor may ask for an adult volunteer from the audience to deliver the invocation or call for a moment of silence.
- 4.11 The written agenda document created for the City Council meeting will explain to the reader that the invocation is a voluntary expression of the private citizen and is not intended to affiliate the City Council with, or express the City Council's preference for, any religious/spiritual organization.

5. Procedures

5.1 Selection Process

- a. The City Clerk's office will compile and maintain a database (hereinafter, the "Religious/Spiritual Organizations List") of the religious/spiritual organizations that have an established presence in the City of Coolidge, and periodically assemble for the purpose of discussing or furthering their religious or spiritual perspective. The Religious/Spiritual Organizations List is intended to be all-inclusive of every diverse religious or spiritual organization serving the citizens of the City. Any such religious or spiritual organization can request or confirm its inclusion by specific written request to the City Clerk. Notice of how religious/spiritual organizations may request to be considered for delivering an invocation shall be prominently posted on the City's website.
- b. The Religious/Spiritual Organizations List will be compiled by referencing the listing for "churches", "congregations", "synagogues", "mosques", and other religious or spiritual organizations in the *Yellow Pages* or similar telephone directory published for geographic areas within the City, research from the Internet and consultation with the local chamber of commerce. The Religious/Spiritual Organizations List is compiled and used as part of the selection process for the purposes of logistics,

efficiency, and equal opportunity for all of the community's religious or spiritual organizations, which may themselves choose whether to participate in the invocation process.

- c. The Religious/Spiritual Organizations List will also include the name and contact information of any chaplain who may serve the fire or police department of the City of Coolidge.
- d. The City Clerk will make every reasonable effort to ensure that a variety of eligible invocation speakers are scheduled for the City Council meetings.
- e. In no event shall a speaker be scheduled to offer an invocation at consecutive meetings of the City Council, or at more than three City Council meetings in any fiscal year. Similarly, no speaker from the same religious/spiritual organization shall speak more than three times in any fiscal year.
- f. The Religious/Spiritual Organizations List will be updated, by reasonable efforts of the City Clerk, in November of each year.
- g. Within thirty (30) days of the effective date of this policy, and on or about October 1st of each year thereafter, the City Clerk will mail an invitation addressed to the "leader" of each religious or spiritual organization listed on the Religious/Spiritual Organizations List, as well as to the individual chaplains included on the Religious/Spiritual Organizations List.
- h. The invitation letter will be dated at the top of the page, signed by the City Clerk at the bottom of the page, and will read as follows:

Dear Leader,

The City of Coolidge makes it a policy to invite the leader or a representative of religious or spiritual organizations in the City to voluntarily offer an invocation before the beginning of its regular City Council meetings.

As the leader of one of the religious or spiritual organizations with an established presence in the local community of the City, or in your capacity as a chaplain for the fire or police department of the City of Coolidge, 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 City Clerk's Office at 130 W. Central Avenue, Coolidge, Arizona 85128.

Invocation speakers are scheduled on a first-come, first-served or other random selection basis. The dates of the City Council's scheduled meetings for the upcoming year are listed on the following, attached page. If you have a preference among the dates, please state that request in your reply.

This opportunity is voluntary, and you are free to offer the invocation according to the dictates of your own conscience; however, please do not exceed three minutes in your presentation. To maintain a spirit of respect and ecumenism, the City Council requests only that the invocation opportunity not be exploited as an effort to convert others to the particular faith of the invocation speaker, nor to disparage any faith or belief different than that of the invocation speaker.

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

Sincerely,

Clerk to the City of Coolidge

- i. The respondents to the invitation will be scheduled on a first-come, first-served or other random-selection basis to deliver the invocations.

5.2 Authenticity of Religious Congregation

Should a question arise as to the authenticity of a religious or spiritual organization, the City Clerk shall refer to criteria used by the Internal Revenue Service in its determination of those organizations that would legitimately qualify for I.R.S. §501(c)(3) tax-exempt status.

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

PASSED AND ADOPTED by the City Council of the City of Coolidge, Arizona this 21st day of September, 2015.

APPROVED:



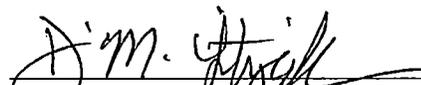
Mayor

ATTEST:



City Clerk

APPROVED AS TO FORM:



City Attorney