



SUBJECT: Legislative Invocation Policy and Procedure

RESOLUTION DATE: May 27th 2014

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RELATED POLICIES:

REVISED RESOLUTION & DATE:

DEPARTMENTS PRIMARILY RESPONSIBLE: County Administrator

APPROVED BY THE BOARD OF COMMISSIONERS OF RENO COUNTY, KANSAS:

BOARD CHAIRMAN:

James D. Schickau

5/27/14
(DATE)

BOARD MEMBER

Dan Denting

(DATE)

BOARD MEMBER

Brad D. Dillon

5/27/14
(DATE)

PREAMBLE

The United States Supreme Court in *Marsh v. Chambers*, 463 U.S. 783, noted “(t)he opening of sessions of legislative and other declarative bodies with prayer is deeply embedded in the history and tradition of this country.” In the case of *Snyder v. Murray City Corporation*, 159 F. 3d 1227 (10th Circuit 1998) the Court stated “In light of the unambiguous and unbroken history of more than 200 years, there can be no doubt that the practice of opening legislative sessions with prayer has become a part of the fabric of our society. To invoke divine guidance on a public body entrusted with making the laws is.....simply a tolerable acknowledgment of beliefs widely held among the people of this country.”

This Board of County Commissioners finds that legislative prayer lends gravity to public business, reminds members of this Board to transcend petty differences in pursuit of higher purposes, and expresses a common aspiration to a just and peaceful society.

It is the intent and purpose of the Reno County Board of County Commissioners to establish and implement a policy which will allow for the presentation of invocations upon the commencement of its public meetings for the purpose of “solemnizing those occasions; (to) encourage participants to act on their noblest instincts; (and to) foster the humility that recognition of a higher hand in human affairs can bring.” *Joyner v. Forsyth County*, 653 F.3rd 341 (4th Circuit 2011). This policy shall be construed at all times in accordance with the United States Supreme Court decision in a case entitled, *Town of Greece, N.Y. vs. Galloway*, decided on May 5, 2014.

In adopting this policy, it is recognized that legislative invocations are not a forum for the free exercise of personal religious beliefs but rather a vehicle through which the Board of County Commissioners, through selected speakers, seeks blessings and guidance in accomplishing its governmental work.

POLICY AND PROCEDURE

Prior to the commencement of regular meetings of the Board of County Commissioners a sectarian or nonsectarian invocation or prayer may be presented.

Those persons presenting invocations before this Board, be they religious or lay persons, are permitted to express themselves in a religious idiom or in a nonsectarian or ecumenical manner. The content of the invocation or prayer is not of concern to this Board, provided there is no indication that the prayer opportunity has been exploited to proselytize or to advance any one, or to disparage any other, faith or belief, or to betray an impermissible government purpose.

This policy does not imply that no constraints shall be imposed on the content of prayer presented. The relevant constraint derives its place at the opening of this Board's meetings, where it is meant to lend gravity to the occasion and to reflect values long part of this nation's heritage. What is expected is prayer which is solemn and respectful in tone, that invites reflection upon shared ideals and common ends before embarkment on the sometimes fractious business of governing.

The prayer or invocation exercise is an internal act directed at the governing body rather than an effort to promote a religious observance among others in attendance or among the public. Public participation shall not be solicited.

The County Administrator shall have the responsibility to identify persons from within the community who have an interest in presenting a brief, solemn and respectful invocation. The invocation opportunity may not be exploited to proselytize, or to advance any particular faith, or to disparage or denigrate any other faith or belief or to betray an impermissible government purpose.

The County Administrator shall familiarize presenters with the content, spirit and intent of this policy and shall obtain reasonable assurances of their understanding of the policy and willingness to participate under its terms and conditions.

The schedule for persons providing invocations shall be prepared and determined by the County Administrator and may be limited in number by the County Administrator to what is necessary, prudent and manageable for the intent and purposes of this policy. All persons coming forth to present an invocation at a County Commission meeting are subject to the discretionary authority and responsibility of the Board of County Commissioners to control the content of its meetings and to comply with prevailing State and Federal law.

On those occasions when a person on the invocation list prepared by the County Administrator is not available, a County Commissioner or staff member may deliver an invocation, or a moment of silence may be requested by the Commission Chairperson.

No member of the County Commission, employee of the County or any other person in attendance at the meeting shall be required to participate in the legislative invocation.