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MEMORANDUM

To: Honorable Council Members
From: Aaron L. Bowman, Council President
CC: Cheryl L. Brown, Director/Council Secretary
Date: May 1, 2019
Re: Council Invocations; Council Rules 1.201; 1.202, 1.106 and 4.202

Following advice from counsel, I am providing guidance and seeking your procedural assistance in the implementation of the above rules.

The City Council for the consolidated City of Jacksonville has long maintained a tradition of solemnizing its proceedings by allowing for an opening invocation before each meeting, for the benefit and blessing of the Council. As the Supreme Court of the United States has stated, the practice of offering legislative invocations “is deeply embedded in the history and tradition of this country” and serves “the legitimate secular purpose of solemnizing public occasions, expressing confidence in the future, and encouraging the recognition of what is worthy of appreciation in society.” Marsh v. Chambers, 463 U.S. 783, 786 (1983); Lynch v. Donnelly, 465 U.S. 668, 693 (1984); accord, Town of Greece, N.Y. v. Galloway, 134 S. Ct. 1811, 1823 (2014)(noting the invocation’s “place at the opening of legislative sessions, where it is meant to lend gravity to the occasion and reflect values long part of the Nation’s heritage”).

However, legislative invocations must not be exploited to proselytize or advance any one faith or belief, or to disparage any other faith or belief, and must not create the impression that the legislative body is affiliated, or intends to affiliate, with any particular

faith or belief.¹ In addition, an invocation should not include personal political views or partisan politics, should be free from sectarian controversies, and from any intimations pertaining to federal, state, or local policy. Keeping in mind these safeguards, and considering the legal authorities addressing this issue, the following steps should ensure that the Council's tradition of offering invocations at the beginning of its meetings complies with constitutional requirements:

- Each Council Member will be given the opportunity to select or to have the Council Secretary/Director select the person to give the invocation, subject to the constraints herein.
- The Chaplain of the Council (the "Chaplain") shall compile a list ("the Congregations List") of the religious congregations with an established presence in Jacksonville. A copy of the Congregations List shall be provided to the Council Secretary/ Director by the Chaplain.
- The Congregations List shall be compiled from information reasonably available in the phone book (the Yellow Pages) and on the Internet, information provided by local chambers of commerce, and written requests for inclusion submitted by established congregations to the Council Secretary/Director. The Congregations List shall also include the name of any chaplain who may serve one or more of the fire departments or law enforcement agencies of Jacksonville.
- The Council Secretary/Director shall keep the Congregations List as well as a record of the name of the person performing the invocation at each Council meeting and their religion denomination.
- The Congregations List shall be updated in November of each calendar year by the Chaplain.
- Any invitation extended by a Council Member shall specify that the opportunity to offer a legislative invocation must not be exploited to convert others to any particular faith, to advance any particular faith, or to disparage any other faith or belief.
- The length of the prayer should not exceed two (2) minutes.
- In addition, the Council Member making the invitation shall also specify that the invocation shall not be a basis for leveraging personal political views or partisan politics; nor shall it be a mechanism to discuss sectarian controversies or for any intimations concerning federal, state or local policy decision-making.
- The Chaplain shall ensure that no individual is scheduled to offer invocations at two

¹ Recently, an invocation policy which excluded those who do not believe in monotheistic religion was found to violate the Fourteenth and First Amendments in Williamson v. Brevard County, 276 F. Supp. 3d 1260 (M.D. Fl. 2017).

consecutive meetings, or at more than three meetings in any calendar year.

- The Chaplain shall make every reasonable effort to avoid scheduling speakers from the same congregation at consecutive meetings.
- The Chaplain shall make every reasonable effort to ensure that a variety of faiths and beliefs are scheduled to offer legislative invocations.
- To the extent possible, within the above constraints, religious leaders who accept the invitation shall be accommodated on a first-come, first-serve basis.
- No member or employee of the Council, or any other person in attendance at the meeting, shall be required to participate in the legislative invocation.

In adopting this policy, it is recognized that legislative invocations are not a forum for the free exercise of personal, religious, or political beliefs, but rather a vehicle through which the Council itself, through selected speakers, seeks blessings and guidance in accomplishing its governmental work. Individuals remain free to pray on their own behalf, as their conscience requires.

Please do not hesitate to contact me if you have any questions or require additional information.

cc: Jason R. Gabriel, General Counsel
Council Members