

Introduced by: Dunne  
Date: 04/04/17  
Action: Failed to Adopt  
Vote: 3 Yes, 6 No, 0 Absent

**KENAI PENINSULA BOROUGH  
RESOLUTION 2017-032**

**A RESOLUTION AMENDING THE KENAI PENINSULA BOROUGH ASSEMBLY  
MANUAL SECTION IX(D) RELATING TO THE POLICY FOR PROVIDING AN  
INVOCATION**

**WHEREAS,** the Kenai Peninsula Borough code currently provides for an invocation during assembly meetings; and

**WHEREAS,** the current assembly policy determining who can give an invocation during assembly meetings has caused divisions in our community and significant costs to the borough; and

**WHEREAS,** amending the policy that determines who can offer an invocation will save the borough taxpayers' money especially during this time of economic difficulties in Alaska, and reduce divisiveness in our community; and

**WHEREAS,** recent public testimony regarding the issue of invocations was overwhelmingly in favor of removing current restrictions in the policy determining who can offer an invocation; and

**WHEREAS,** the State of Alaska Legislature uses the practice of opening floor sessions with an invocation and has adopted a similar policy guiding Uniform Rule 17;

**NOW, THEREFORE, BE IT RESOLVED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH:**

**SECTION 1.** That Section IX of the Kenai Peninsula Borough Assembly Manual is hereby amended as follows:

**IX. ASSEMBLY MEETING**

...

**D. Invocations.**

[1. IT IS THE INTENT OF THE ASSEMBLY TO ALLOW A PRIVATE CITIZEN TO SOLEMNIZE THE PROCEEDINGS OF THE KENAI PENINSULA BOROUGH ASSEMBLY. IT IS THE POLICY OF THE ASSEMBLY TO ALLOW FOR AN INVOCATION, WHICH MAY INCLUDE A SHORT PRAYER OR A SOLEMNIZING MESSAGE, TO BE OFFERED AT THE

BEGINNING OF ITS MEETINGS FOR THE BENEFIT OF THE ASSEMBLY TO ACCOMMODATE THE SPIRITUAL NEEDS OF THE PUBLIC OFFICIALS.

2. NO MEMBER OR EMPLOYEE OF THE ASSEMBLY OR ANY OTHER PERSON IN ATTENDANCE AT THE MEETING SHALL BE REQUIRED TO PARTICIPATE IN ANY PRAYER OR SOLEMNIZING MESSAGE THAT IS OFFERED AND SUCH DECISION SHALL HAVE NO IMPACT ON THE ABILITY OF THE PERSON TO ACTIVELY PARTICIPATE IN THE BUSINESS OF THE ASSEMBLY.

3. NO MEMBER OR EMPLOYEE OF THE ASSEMBLY 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 ASSEMBLY 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 FROM THE ASSOCIATIONS LIST DEVELOPED AS DESCRIBED BELOW. TO ENSURE THAT SUCH PERSON (THE "INVOCATION SPEAKER") IS SELECTED FROM AMONG A WIDE POOL OF REPRESENTATIVES THE INVOCATION SPEAKER SHALL BE SELECTED ACCORDING TO THE FOLLOWING PROCEDURE:

A. THE CLERK SHALL POST A NOTICE ON THE BOROUGH INTERNET HOME PAGE THAT ALL RELIGIOUS ASSOCIATIONS WITH AN ESTABLISHED PRESENCE IN THE KENAI PENINSULA BOROUGH THAT REGULARLY MEET FOR THE PRIMARY PURPOSE OF SHARING A RELIGIOUS PERSPECTIVE, OR CHAPLAINS WHO MAY SERVE ONE OF MORE OF THE FIRE DEPARTMENTS, LAW ENFORCEMENT AGENCIES, HOSPITALS, OR OTHER SIMILAR ORGANIZATIONS IN THE BOROUGH, ARE ELIGIBLE TO PROVIDE INVOCATIONS TO THE ASSEMBLY, AND THAT THE AUTHORIZED LEADER OF ANY SUCH ASSOCIATION OR CHAPLAIN CAN SUBMIT A WRITTEN REQUEST TO PROVIDE AN INVOCATION TO THE BOROUGH CLERK. AN ADDITIONAL PRINTED NOTICE CONTAINING THIS INFORMATION SHALL BE MADE AVAILABLE TO THE PUBLIC DURING ASSEMBLY MEETINGS AND AT THE CLERK'S OFFICE.

B. THE BOROUGH CLERK SHALL COMPILE AND MAINTAIN A DATABASE (THE "ASSOCIATIONS LIST") OF THE QUALIFYING ASSOCIATIONS AND CHAPLAINS WHO HAVE SUBMITTED SUCH A WRITTEN REQUEST (HEREINAFTER REFERRED TO AS A "RELIGIOUS ASSOCIATION").

C. THE POLICY IS INTENDED TO BE AND SHALL BE APPLIED IN A WAY THAT IS ALL-INCLUSIVE OF EVERY DIVERSE RELIGIOUS ASSOCIATION SERVING THE RESIDENTS OF THE KENAI PENINSULA BOROUGH. THE ASSOCIATION 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 ASSEMBLY'S INVITATION AND PARTICIPATE. SHOULD A QUESTION ARISE AS TO THE AUTHENTICITY OF A RELIGIOUS ASSOCIATION, THE ASSEMBLY PRESIDENT SHALL MAKE THE DECISION BY REFERRING TO THE CRITERIA USED BY THE INTERNAL REVENUE SERVICE IN ITS DETERMINATION OF THOSE ORGANIZATIONS THAT WOULD LEGITIMATELY QUALIFY FOR I.R.C. §501(C)(3) TAX-EXEMPT STATUS.

D. THE RESPONDENTS TO THE NOTICE SHALL BE SCHEDULED ON A FIRST-COME, FIRST-SERVE BASIS TO DELIVER THE INVOCATION, PROVIDED EACH RESPONDENT MAY ONLY ASK TO PROVIDE ONE INVOCATION AT A TIME, WITH SUBSEQUENT REQUESTS ONLY MADE AFTER THE DATE OF PREVIOUSLY SCHEDULED INVOCATION HAS PASSED. THIS IS INTENDED TO HELP ENSURE THAT A VARIETY OF ELIGIBLE REPRESENTATIVES ARE SCHEDULED FOR THE INVOCATIONS.

E. IN THE EVENT AN ELIGIBLE REPRESENTATIVE OF A RELIGIOUS ASSOCIATION SERVING THE LOCAL COMMUNITY BELIEVES THAT THE CLERK OR PRESIDENT HAS NOT COMPLIED WITH THE TERMS OF THIS POLICY, THE REPRESENTATIVE HAS THE RIGHT TO HAVE THE MATTER REVIEWED BY THE ASSEMBLY.

F. IF NO SCHEDULED REPRESENTATIVE IS IN ATTENDANCE AT AN ASSEMBLY MEETING THE ASSEMBLY PRESIDENT MAY AUTHORIZE AN ASSEMBLY MEMBER TO PROVIDE THE INVOCATION.]

1. The borough clerk shall supply the following guidelines to an individual selected to offer an invocation:

a. Please begin the invocation with the following or similar acknowledgement: "With the deepest respect for the religious beliefs of all borough residents, I offer the following."

b. If praying to a specific deity by name, please do not ask that others pray with you to that specific deity.

c. If you ask others to pray with you, please do not invoke the name of any specific deity.

d. Please be sure the prayers are free from personal political views, sectarian controversy, intimation pertaining to borough policy and absent of any apologies for others.

e. Please limit the prayer to 90 seconds or less.

f. Please submit a copy of the prayer in written form to the borough clerk's office after you have presented it so that it may be entered into assembly meeting minutes.

2. [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 ASSEMBLY 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.]

3. [7.] No assembly member nor employee in the clerk's office shall engage in any prior inquiry, review of, or involvement in the content of any invocation to be offered by an invocation speaker.

4. [8.] To clarify the assembly's intentions the following disclaimer shall be included on any printed assembly meeting agenda for a meeting during which an invocation may be provided immediately below the invocation:

*"Any invocation that may be offered at the beginning of the assembly meeting shall be a voluntary offering of a private person, to and for the benefit of the assembly. No member of the community is required to attend or participate in the invocation."*

5. [9.] This policy is not intended, and shall not be implemented or construed in any way, to affiliate the assembly with, nor express the assembly's preference for, any faith or religious denomination. Rather, this policy is intended to acknowledge and express the assembly's respect for the diversity of religious denominations and faiths represented and practiced among the residents of the borough.

**SECTION 2.** That this resolution takes effect immediately upon its adoption.

**ADOPTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 4TH DAY OF APRIL, 2017.**

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Kelly Cooper, Assembly President

ATTEST:

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Johni Blankenship, MMC, Borough Clerk

FAILED TO ADOPT

Yes: Cooper, Dunne, Schaefer  
No: Bagley, Fischer, Hibbert, Holmdahl, Ogle, Welles  
Absent: None