

Introduced by:	Cooper
Date:	11/22/16
Action:	Adopted as Amended
Vote:	5 Yes, 4 No, 0 Absent
Action:	Notice of Reconsideration Given by Gilman
Date:	12/06/16
Action:	Motion to Reconsider Passed
Vote:	5 Yes, 3 No, 1 Absent
Action:	Failed to Adopt as Amended
Vote:	4 Yes, 4 No, 1 Absent

**KENAI PENINSULA BOROUGH  
RESOLUTION 2016-072**

**A RESOLUTION AMENDING THE ASSEMBLY POLICY REGARDING  
INVOCATIONS BEFORE BOROUGH ASSEMBLY MEETINGS**

- WHEREAS,** the Kenai Peninsula Borough Assembly ("assembly") is an elected legislative and deliberative public body, serving the residents of the borough; and
- WHEREAS,** the Borough Code of Ordinances provides for an invocation to be offered at the beginning of each meeting; and
- WHEREAS,** in Resolution 2016-056 the assembly adopted a formal written policy to clarify its invocation practices; and
- WHEREAS,** the assembly desires to amend that policy to broaden the scope of eligible invocation providers to better reflect the diversity of beliefs in the borough; and
- WHEREAS,** in *Town of Greece v. Galloway*, 134 S.Ct. 1811 (May 5, 2014), the United States Supreme Court validated opening prayers at town council meetings, finding that "legislative prayer lends gravity to public business, reminds lawmakers to transcend petty differences in pursuit of a higher purpose, and express a common aspiration to a just and peaceful society."; and
- WHEREAS,** the Supreme Court clarified in *Town of Greece* that opening invocations are "meant to lend gravity to the occasion and reflect values long part of the Nation's heritage" and should not show over time "that the invocations denigrate nonbelievers or religious minorities, threaten damnation, or preach conversion."; and

**WHEREAS,** this resolution does not establish a policy that defines the constitutional limits for permissible public invocations but instead is intended to adopt guidelines that are consistent with the guidance provided by several 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 religious leaders from the local community and/or volunteers to provide an invocation before public meetings. *Town of Greece. See also Simpson v. Chesterfield Cnty. Bd. Of Supervisors*, 404 F.3d 276 (4<sup>th</sup> Cir. 2005), *cert. denied*, 546 U.S. 937 (2005); *Pelphrey v. Cobb Cnty.*, 547 F.3d 1263 (11<sup>th</sup> Cir. 2008); *Rubin v. City of Lancaster*, 710 F.3d 1087 (9<sup>th</sup> Cir. 2013); and

**WHEREAS,** the assembly intends to adopt a policy that does not proselytize or advance any particular faith, or 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;

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

**SECTION 1.** That Section IX paragraph D. Invocations. of the Kenai Peninsula Borough Assembly Manual is deleted in its entirety.

**SECTION 2.** That this resolution shall be effective immediately upon adoption.

**ADOPTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 6TH DAY OF DECEMBER, 2016.**

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Kelly Cooper, Assembly President

ATTEST:

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Johni Blankenship, MMC, Borough Clerk

11/22/16 Vote to Adopt as Amended:

Yes: Dunne, Fischer, Holmdahl, Knopp, Cooper

No: Bagley, Gilman, Ogle, Welles

Absent: None

12/06/16 Vote on Motion to Reconsider:

Yes: Bagley, Fischer, Gilman, Ogle, Welles

No: Holmdahl, Knopp, Cooper

Absent: Dunne

12/06/16 Vote to Adopt as Amended:

Yes: Holmdahl, Knopp, Fischer, Cooper

No: Bagley, Gilman, Ogle, Welles

Absent: Dunne