

Introduced by: Cooper, Ogle, Bagley
Date: 11/20/18
Action: Adopted
Vote: 7 Yes, 2 No, 0 Absent

**KENAI PENINSULA BOROUGH
RESOLUTION 2018-053**

**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 the policy to broaden the scope of eligible invocation providers to better reflect the diversity of beliefs in the borough; 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, 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 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] the invocation 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] invocation, 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] invocation opportunity.
4. The invocation shall be voluntarily delivered by a resident of the Kenai Peninsula Borough. [AN APPOINTED REPRESENTATIVE FROM THE ASSOCIATIONS LIST DEVELOPED AS DESCRIBED BELOW.]
5. To ensure that [SUCH PERSON (THE "INVOCATION SPEAKER") IS SELECTED FROM AMONG] the opportunity to give an invocation is available to 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.] The Clerk's office shall keep a calendar for all dates of assembly meetings. A person wishing to give an invocation must submit a dated, written request for an invocation to the clerk's office for only one invocation at a time.
 - b. [THE BOROUGH CLERK SHALL COMPILE AND MAINTAIN A DATABASE (THE "ASSOCIATIONS LIST") OF THE QUALIFYING ASSOCIATIONS AND CHAPLAINS WHO HAVE SUBMITTED SUCH A

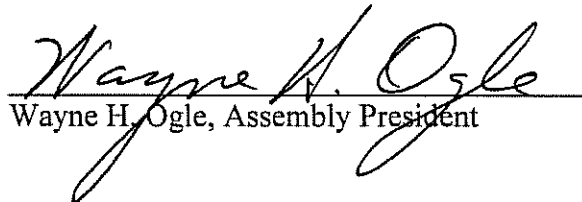
WRITTEN REQUEST (HEREINAFTER REFERRED TO AS A
"RELIGIOUS ASSOCIATION").

- [C.] The policy is intended to be [AND SHALL BE] applied in a way that is all-inclusive and diverse to represent the faiths of the residents of the Kenai Peninsula Borough. [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] qualification of a person requesting to give an invocation, [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] this policy, and may request clarification from the applicant if needed.
- [D] c. 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.] In any event, no respondent shall be scheduled to offer an invocation at consecutive assembly meetings or at more than four assembly meetings in any calendar year. These limitations are intended to help ensure that a variety of speakers are given an opportunity to provide an invocation and that there is no appearance that the assembly favors or promotes any one faith over another.
- [E] d. In the event an eligible [REPRESENTATIVE OF A RELIGIOUS ASSOCIATION SERVING THE LOCAL COMMUNITY] individual from the Kenai Peninsula Borough believes that the Clerk or President has not complied with the terms of this policy, the [REPRESENTATIVE] individual has the right to have the matter reviewed by the Assembly.
- [F] e. If an individual scheduled [REPRESENTATIVE] to offer an invocation is not in attendance at an assembly meeting when the invocation is scheduled to be given, the assembly President [MAY AUTHORIZE AN] or an assembly member may be asked by the President to provide the invocation or the meeting may proceed without an invocation being offered.
- [5] 6. No invocation speaker shall receive compensation for his or her service.

- [6] 7. 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.
- [7] 8. 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.
- [8] 9. 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."*
- [9] 10. 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. This resolution shall take effect immediately upon adoption.

ADOPTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 20TH DAY OF NOVEMBER 2018.


Wayne H. Ogle, Assembly President

ATTEST:


John Blankenship, MMC, Borough Clerk

Yes: Bagley, Carpenter, Cooper, Dunne, Hibbert, Smalley, Ogle
No: Blakeley, Fischer
Absent: None

