



OFFICE OF THE CITY COUNCIL

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MEMORANDUM

To: Cheryl L. Brown, Director/Council Secretary

From: John D. "Jack" Webb,
Council President

Date: July 22, 2010

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). 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. 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 Clerk select the person to given the invocation, subject to the constraints herein.
- The Clerk of the Council ("the Clerk") shall compile a list ("the Congregations List") of the religious congregations with an established presence in Jacksonville.

- 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 Clerk. 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 Congregations List shall be updated in November of each calendar year.
- Any invitation extended 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 Clerk shall ensure that no individual is scheduled to offer invocations at two consecutive meetings, or at more than three meetings in any calendar year.
- The Clerk shall make every reasonable effort to avoid scheduling speakers from the same congregation at consecutive meetings.
- The Clerk 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 recognize that legislative invocations are not a forum for the free exercise of personal religious 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: Cindy A. Laquidara, General Counsel
Council Members