



City of  
**Pensacola**

*America's First Settlement  
Established 1559*

Office of the  
City Clerk

**NOTICE OF SPECIAL MEETING  
CITY COUNCIL  
OF THE  
CITY OF PENSACOLA**

**THURSDAY, JULY 7, 5:30 P.M.  
COUNCIL CHAMBERS,  
1<sup>ST</sup> FLOOR, CITY HALL**

**AT THE REQUEST OF THE COUNCIL PRESIDENT**, the City Council of the City of Pensacola, Florida will hold a **SPECIAL MEETING** on **THURSDAY, JULY 7, 2016**, beginning at **5:30 P.M.**, Council Chambers, 1<sup>st</sup> Floor of City Hall, 222 West Main Street, Pensacola, Florida, for the following purpose:

**DISCUSSION ITEM:**

1. **DISCUSSION OF COUNCIL POLICY ON INVOCATIONS**

**Recommendation:**

That City Council discuss the process by which invocations are delivered at City Council meetings.

**ACTION ITEM:**

2. **REPLACING INVOCATION WITH A MOMENT OF SILENCE**

**Recommendation:**

That City Council amend the Council Rules and Procedures to replace invocations during regular meetings of the City Council with a moment of silence.

If any person decides to appeal any decision made with respect to any matter considered at such meeting, he will need a record of the proceedings, and that for such purpose he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

The City of Pensacola adheres to the Americans with Disabilities Act and will make reasonable accommodations for access to City services, programs and activities. Please call 435-1606 (TDD 435-1666) for further information. Request must be made at least 48 hours in advance of the event in order to allow the City time to provide the requested services.

Robyn M. Tice  
Assistant City Clerk



# COUNCIL MEMORANDUM

Council Meeting Date: July 7, 2016

## DISCUSSION ITEM

**SPONSOR:** City Council President Charles Bare

**SUBJECT:** Discussion of Council Policy on Invocations

### **RECOMMENDATION:**

That City Council discuss the process by which invocations are delivered at City Council meetings.

**AGENDA:**             Regular             Consent

Hearing Required:    Public             Quasi-Judicial             No Hearing Required

### **SUMMARY:**

For many years, the City Clerk's office has scheduled citizens to lead the invocation at City Council meetings. Earlier this year, a representative of the Satanic Temple requested to be placed on an agenda to deliver the invocation. As a result, the City Clerk reached out to me as Council President. At that time, I became aware that we did not have a written policy for the identification and selection of individuals to perform invocations.

The Council needs to discuss whether invocations are appropriate at City Council meetings, and, if so, what policy should govern the selection of those who deliver them.

### **PRIOR ACTION:**

None

### **FUNDING:**

Budget:            \$ 0

Actual:            \$ 0

### **FINANCIAL IMPACT:**

None

### **STAFF CONTACT:**

None

Council Memorandum

Subject: Discussion of Council Policy on Invocations

Council Meeting Date: July 7, 2016

Page 2

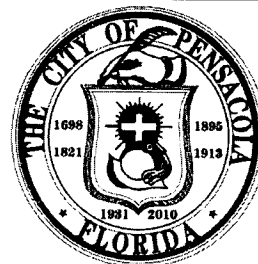
**ATTACHMENTS:**

None

**PRESENTATION:**

Yes

No



# COUNCIL MEMORANDUM

Council Meeting Date: July 7, 2016

## LEGISLATIVE ACTION ITEM

**SPONSOR:** City Council President Charles Bare

*Charles A. Bare*

**SUBJECT:** Replacing Invocation with a Moment of Silence

### **RECOMMENDATION:**

That City Council amend the Council Rules and Procedures to replace invocations during regular meetings of the City Council with a moment of silence.

**AGENDA:**             Regular             Consent

Hearing Required:    Public             Quasi-Judicial             No Hearing Required

### **SUMMARY:**

A recent request by a member of the Satanic Temple to deliver the invocation at an upcoming City Council meeting has created significant discussion and debate in the local community. For several years, the City Clerk's office has been responsible for arranging and scheduling individuals to deliver invocations at Council meetings. The Council has been largely uninvolved in the process. In some instances, those scheduled to deliver the invocation were not present and a Council member delivered the invocation. In other cases, invocations were not scheduled for special meetings and Council members again delivered the invocation.

Much of the debate revolves around First Amendment issues as well as a Supreme Court case (Town of Greece, New York vs. Galloway) decided in May 2014. In this case, the Supreme Court reversed the decision of the appellate court. One of the key phrases in the decision states that in Greece, "The town made reasonable efforts to identify all of the congregations located within its borders and represented that it would welcome prayers by any minister or layman who wished to give one." It didn't matter that the town staff wasn't able to identify all congregations, but they could not discriminate against a minority faith.

If the Pensacola City Council decides to deny certain groups or individuals the ability to deliver invocations, we may face a challenge of discrimination.

The Council has utilized invocations for decades, but perhaps the time has come for this to change. Replacing the invocation with a moment of silence provides the opportunity for prayer without affecting others in the chamber or those watching on television or the Internet.

### **PRIOR ACTION:**

None

Council Memorandum

Subject: Replacing Invocation with a Moment of Silence

Council Meeting Date: July 7, 2016

Page 2

**FUNDING:**

Budget: \$ 0

Actual: \$ 0

**FINANCIAL IMPACT:**

None

**STAFF CONTACT:**

None

**ATTACHMENTS:**

Pages from U.S. Supreme Court Decision on Town of Greece, New York v Galloway

**PRESENTATION:**

Yes

No

## Opinion of the Court

their minds, shower down on them, and the millions they here represent, such temporal Blessings as Thou seest expedient for them in this world, and crown them with everlasting Glory in the world to come. All this we ask in the name and through the merits of Jesus Christ, Thy Son and our Saviour, Amen.” W. Federer, *America’s God and Country* 137 (2000).

From the earliest days of the Nation, these invocations have been addressed to assemblies comprising many different creeds. These ceremonial prayers strive for the idea that people of many faiths may be united in a community of tolerance and devotion. Even those who disagree as to religious doctrine may find common ground in the desire to show respect for the divine in all aspects of their lives and being. Our tradition assumes that adult citizens, firm in their own beliefs, can tolerate and perhaps appreciate a ceremonial prayer delivered by a person of a different faith. See Letter from John Adams to Abigail Adams (Sept. 16, 1774), in C. Adams, *Familiar Letters of John Adams and His Wife Abigail Adams, During the Revolution* 37–38 (1876).

The prayers delivered in the town of Greece do not fall outside the tradition this Court has recognized. A number of the prayers did invoke the name of Jesus, the Heavenly Father, or the Holy Spirit, but they also invoked universal themes, as by celebrating the changing of the seasons or calling for a “spirit of cooperation” among town leaders. App. 31a, 38a. Among numerous examples of such prayer in the record is the invocation given by the Rev. Richard Barbour at the September 2006 board meeting:

“Gracious God, you have richly blessed our nation and this community. Help us to remember your generosity and give thanks for your goodness. Bless the elected leaders of the Greece Town Board as they conduct the business of our town this evening. Give them

## Opinion of the Court

wisdom, courage, discernment and a single-minded desire to serve the common good. We ask your blessing on all public servants, and especially on our police force, firefighters, and emergency medical personnel. . . . Respectful of every religious tradition, I offer this prayer in the name of God's only son Jesus Christ, the Lord, Amen." *Id.*, at 98a–99a.

Respondents point to other invocations that disparaged those who did not accept the town's prayer practice. One guest minister characterized objectors as a "minority" who are "ignorant of the history of our country," *id.*, at 108a, while another lamented that other towns did not have "God-fearing" leaders, *id.*, at 79a. Although these two remarks strayed from the rationale set out in *Marsh*, they do not despoil a practice that on the whole reflects and embraces our tradition. Absent a pattern of prayers that over time denigrate, proselytize, or betray an impermissible government purpose, a challenge based solely on the content of a prayer will not likely establish a constitutional violation. *Marsh*, indeed, requires an inquiry into the prayer opportunity as a whole, rather than into the contents of a single prayer. 463 U. S., at 794–795.

Finally, the Court disagrees with the view taken by the Court of Appeals that the town of Greece contravened the Establishment Clause by inviting a predominantly Christian set of ministers to lead the prayer. The town made reasonable efforts to identify all of the congregations located within its borders and represented that it would welcome a prayer by any minister or layman who wished to give one. That nearly all of the congregations in town turned out to be Christian does not reflect an aversion or bias on the part of town leaders against minority faiths. So long as the town maintains a policy of nondiscrimination, the Constitution does not require it to search beyond its borders for non-Christian prayer givers in an effort to

Opinion of KENNEDY, J.

achieve religious balancing. The quest to promote “a ‘diversity’ of religious views” would require the town “to make wholly inappropriate judgments about the number of religions [it] should sponsor and the relative frequency with which it should sponsor each,” *Lee*, 505 U. S., at 617 (Souter, J., concurring), a form of government entanglement with religion that is far more troublesome than the current approach.

### B

Respondents further seek to distinguish the town’s prayer practice from the tradition upheld in *Marsh* on the ground that it coerces participation by nonadherents. They and some *amici* contend that prayer conducted in the intimate setting of a town board meeting differs in fundamental ways from the invocations delivered in Congress and state legislatures, where the public remains segregated from legislative activity and may not address the body except by occasional invitation. Citizens attend town meetings, on the other hand, to accept awards; speak on matters of local importance; and petition the board for action that may affect their economic interests, such as the granting of permits, business licenses, and zoning variances. Respondents argue that the public may feel subtle pressure to participate in prayers that violate their beliefs in order to please the board members from whom they are about to seek a favorable ruling. In their view the fact that board members in small towns know many of their constituents by name only increases the pressure to conform.

It is an elemental First Amendment principle that government may not coerce its citizens “to support or participate in any religion or its exercise.” *County of Allegheny*, 492 U. S., at 659 (KENNEDY, J., concurring in judgment in part and dissenting in part); see also *Van Orden*, 545 U. S., at 683 (plurality opinion) (recognizing