

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, TO ALLOW THE INCLUSION OF AN "INVOCATION" AS A COMPONENT OF THE FIRST REGULAR CITY COMMISSION MEETING AGENDA OF EACH MONTH IN THE CITY OF KEY WEST; DIRECTING THE CITY CLERK TO ESTABLISH A DATABASE AND FIRST-COME FIRST-SERVE SCHEDULE FOR VOLUNTEER INVOCATION SPEAKERS; PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the City Commission desires to restore and maintain a tradition of solemnizing its proceedings by allowing and inviting an opening invocation before the first regular meeting of the City Commission each month; and

WHEREAS, the City Commission recognizes that history is replete with official references to the value and invocation of divine guidance in deliberations and pronouncements of the Founding Fathers and contemporary leaders as set forth in the holding of *Lynch v. Donnelly*, 465 U.S. 668, 675 (1984); and

WHEREAS, in *Town of Greece v. Galloway*, 134 S.Ct. 1811(2014), the United States Supreme Court validated opening prayers at meetings of the Town of Greece, finding that "legislative prayer lends gravity to public business, reminds lawmakers to transcend petty differences in pursuit of a higher purpose, and expresses a common aspiration to a just and peaceful society." *Id.* at 1823; and

WHEREAS, numerous courts have approved an invocation practice that incorporates a neutral system to invite religious leaders from the local community and volunteer to provide an Invocation before public meetings. *Town of Greece*; see also *Simpson v. Chesterfield Cnty. Bd. of Supervisors*, 404 F.3d 276 (4th Cir. 2005), *cert denied*, 546 U.S. 937 (2005); *Pelphrey v. Cobb Cnty.*, 547 F.3d 1263 (11th Cir. 2008); *Rubin v. City of Lancaster*, 710 F.3d 1087 (9th Cir. 2013); and

WHEREAS, the City Commission believes that clergy that serve the local community are peculiarly suited through training, tradition and public service to petition for divine guidance upon the deliberations of the City Commission, and to accomplish the City Commission's objective to solemnize public occasions, express confidence in the future and to encourage the recognition of what is worth of appreciation in society See *Lynch v. Donnelly*, 465 U.S. 668, 693 (1984); and

WHEREAS, the City Commission intends that this policy and these procedures do not proselytize or advance any faith, or show any purposeful preference of one religious or non-religious view to the exclusion of others; and

WHEREAS, in no event shall these procedures be intended, implemented, or construed in any way to compel participation in the opening invocation; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AS FOLLOWS:

Section 1: That the City Commission may allow a private citizen to solemnize the first regular meeting of the City Commission each month with an invocation. The invocation may include prayer, a reflective moment of silence, or a short solemnizing message, to be offered for the benefit of the City Commission, to accommodate the spiritual needs of the public officials. The Mayor may allow time for persons who wish to leave the room during an invocation to do so, and equal time for them to return to the room before other business is addressed.

Section 2: That the City Clerk is hereby directed to establish a database (list) from a broad and diverse pool of volunteer invocation speakers from leaders of any and all local religions, denominations, faiths, creeds, and beliefs. Any church, congregation, entity, organization or group within the jurisdictional limits of Key West and the Florida Keys may request inclusion within the database by written communication directed to the City Clerk that references the opening invocation. Invocation speakers shall be scheduled on a first-come, first-serve basis from the database. Invocation speakers will not receive compensation for providing an invocation.

Section 3: That this policy is intended to be and shall be applied in a way that is inclusive of diverse congregations, groups and organizations.

Section 4: That this Resolution shall go into effect immediately upon its passage and adoption and authentication by the signature of the Presiding Officer and the Clerk of the Commission.

Passed and adopted by the City Commission at a meeting held this _____ day of _____, 2022.

Authenticated by the Presiding Officer and Clerk of the Commission on _____ day of _____, 2022.

Filed with the Clerk on _____, 2022.

Mayor Teri Johnston	_____
Vice Mayor Sam Kaufman	_____
Commissioner Gregory Davila	_____
Commissioner Mary Lou Hoover	_____
Commissioner Clayton Lopez	_____
Commissioner Billy Wardlow	_____
Commissioner Jimmy Weekley	_____

TERI JOHNSTON, MAYOR

ATTEST:

CHERYL SMITH, CITY CLERK