

MUNICIPAL ORDER NO. 02 - 17

**AN ORDER OF THE CITY COUNCIL OF THE CITY OF BEREA, KENTUCKY,
ESTABLISHING POLICY AND PROCEDURE FOR OPENING WITH INVOCATIONS
AND THE PLEDGE OF ALLEGIANCE BEFORE CITY COUNCIL MEETINGS.**

RECITALS:

1. The City Council of Berea, Kentucky ("the Council") is an elected legislative and deliberative public body, serving the citizens of Berea, Kentucky, and is authorized by KRS 83A.060(12) to adopt Municipal Orders to govern the conduct and procedure of its meetings.

2. The Council wishes to begin a tradition of solemnizing its proceedings by allowing for an opening prayer before each meeting, for the benefit and blessing of the Council, and for a recital of the pledge of allegiance.

3. The Council intends to adopt a policy that does not proselytize or advance any faith, or show any purposeful preference of one religious view to the exclusion of others.

4. The Council accepts as binding the applicability of general principles of law and all the rights and obligations afforded under the United States and Kentucky Constitutions and statutes.

5. The Council intends to have a policy that will uphold the free exercise rights of individuals under the First Amendment to the United States Constitution.

NOW, THEREFORE, IT IS HEREBY ORDERED by the City Council of Berea, Kentucky, that Council hereby adopts the following written policy regarding opening proceedings before business meetings of the Council:

1. In order to solemnize proceedings of the City Council of Berea, Kentucky, it is the policy of the Council to allow for, but not to mandate, an invocation or prayer to be offered before its meetings for the benefit of the Council.

2. This policy and procedure shall allow for an invocation, which may include prayer, reflective moment of silence, or short solemnizing message, any of which should be no more than two (2) minutes in length.

3. No member or employee of the Council or any other person in attendance at the meeting shall be required to participate in any prayer that is offered.

4. The prayer, reflective moment of silence, or short solemnizing message shall be voluntarily delivered by an eligible member of the clergy in the City of Berea. To ensure that such person (the "invocation speaker") is selected from among a wide pool of the City of Berea's clergy, on a rotating basis, the invocation speaker shall be selected according to the following procedure:

a. The Council shall establish and organize a committee of the City Council to be known as the Council Procedures Committee (the committee), which committee shall compile and maintain a database (the "Congregations List") of the religious congregations with an established presence in the corporate limits of the City of Berea.

b. The Congregations List shall be compiled by referencing the listing for "churches," "congregations," or other religious assemblies in the annual Yellow Pages phone book(s) published for the City of Berea, , and consultation with the local ministerial association. All religious congregations with an established presence in the corporate limits of the City of Berea are eligible to be included in the Congregations List, and any such congregation can confirm its inclusion by specific written request to the Committee.

c. The Congregations List shall also include the name and contact information of any chaplain who may serve one or more of the fire departments or law enforcement agencies of the City of Berea.

d. The Congregations List shall be updated, by reasonable efforts of the Committee, in November of each calendar year.

e. Within thirty (30) days of the effective date of this policy, and on or about December 1 of each calendar year thereafter, the Committee shall mail an invitation addressed to the "religious leader" of each congregation listed on the Congregations List, as well as to the individual chaplains included on the Congregations List, to ask if the religious leader is willing to provide assistance with the offering of a prayer, reflective moment of silence, or short solemnizing message, at a meeting of the Council. The respondents to this request will be scheduled on a first-come, first-serve or other random basis.

5. If no eligible member of the clergy is available to provide the invocation, a member of the Council may deliver the invocation. The designated Council member shall deliver the prayer or invocation in his or her capacity as a private citizen, and according to the dictates of his or her own conscience.

6. No guidelines or limitations shall be issued regarding content, except that the Council shall request by the language of this policy that no prayer should proselytize or advance any faith, or disparage the religious faith or non-religious views of others.

7. No invocation speaker shall receive compensation for his or her service.

8. The Committee shall make every reasonable effort to ensure that a variety of eligible invocation speakers are scheduled for the Council meetings. In any event, no

invocation speaker shall be scheduled to offer a prayer at consecutive meetings of the Council, or at more than three (3) Council meetings in any calendar year.

9. Neither the Council nor the Committee shall engage in any prior inquiry, review of, or involvement in, the content of any prayer, reflective moment of silence, or short solemnizing message to be offered by an invocation speaker.

10. In addition to the foregoing, after the meeting of the Council is called to order, and any prayer, reflective moment of silence, or short solemnizing message, is offered, either the Mayor or a Council Member shall recite the Pledge of Allegiance to the Flag.

11. This policy is not intended, and shall not be implemented or construed in any way, to affiliate the Council with, nor express the Council's preference for, any faith or religious denomination; this policy is intended to acknowledge and express the council's respect for the diversity of religious denominations and faiths represented and practiced among the citizens of Berea, Kentucky.

NOW, THEREFORE, BE IT FURTHER ORDERED that this policy shall become effective immediately upon adoption by the Council.

Approved this 7th day of March, 2017.

CITY OF BEREA, KENTUCKY

Cheryl Chastain
Clerk of the City Council