

AN ORDINANCE AMENDING SUBSECTION 220.03(c) AND ENACTING NEW SECTION 220.08 OF CHAPTER 220, "COUNCIL" OF THE CODIFIED ORDINANCES.

WHEREAS, the Council of the City of Hudson is an elected legislative and deliberative body, serving the citizens of Hudson, Ohio; and

WHEREAS, this Council desires to solemnize its proceedings by allowing for an opening invocation before each meeting, for the benefit of the Council; and

WHEREAS, this Council now desires to adopt a formal, written policy to codify its invocation practices; and

WHEREAS, in *Town of Greece v. Galloway*, 134 S.Ct. 1811 (2014), the United States Supreme Court validated opening invocations at town council meetings premised upon a policy of non-discrimination; and

WHEREAS, this Council desires to avail itself of the Supreme Court's recognition that it is constitutionally permissible for a public body to open its sessions with an invocation; and

WHEREAS, this Council is not establishing a policy that defines the constitutional limits for permissible public invocations; rather, this Council intends to adopt guidelines that are consistent with the guidance provided by the U.S. Supreme Court and other courts that have considered the validity of public invocations; and

WHEREAS, several courts have approved an invocation practice that incorporates a neutral system to invite representatives of religious assemblies associated with the local community to provide an invocation before public meetings. *E.g.*, *Town of Greece*, 2014 WL 1757828; *Simpson v. Chesterfield Cty. Bd. of Supervisors*, 404 F.3d 276 (4th Cir. 2005), cert. denied, 546 U.S. 937 (2005); *Pelphrey v. Cobb Cty.*, 547 F.3d 1263 (11th Cir. 2008); *Rubin v. City of Lancaster*, 710 F.3d 1087 (9th Cir. 2013); and

WHEREAS, this Council accepts as binding the applicability of general principles of law and all the rights and obligations afforded under the United States and Ohio Constitutions and statutes.

NOW, THEREFORE, Be It Ordained by the Council of Hudson, Summit County, State of Ohio, that:

Section 1. Subsection (c) of 220.03, "Rules" of Chapter 220, "Council", of the Codified Ordinances is amended to hereinafter read as follows:

“(c) Order of Business. All meetings of Council shall be open to the public in accordance with the Charter and statutes of Ohio providing for open meetings. All agenda items shall be identified by title or subject matter and item or ordinance/resolution number. An item which appears on a subsequent agenda shall be identified by the month and agenda number when initially entered (e.g., 4-22) or, in the case of ordinances and resolutions, by the history of its previous readings, including dates of those readings. The minutes of the Council meeting shall identify matters by item number or ordinance/resolution number. The Mayor may declare a brief recess during the course of the meeting as appropriate. The order of business shall be as follows:

- (1) Call to Order;
- (2)** **Invocation;**
- ~~(3)~~(2) Pledge of Allegiance to the Flag;
- ~~(4)~~(3) Roll Call;
- ~~(5)~~(4) Approval of minutes of previous meetings;
- ~~(6)~~(5) Honorary Resolutions;
- ~~(7)~~(6) Proclamations by Mayor;
- ~~(8)~~(7) Holding of public hearings in order of agenda;
- ~~(9)~~(8) Public Comment;
- ~~(10)~~(9) Reading of any correspondence including petitions and recommendations received by the Mayor or members of Council at their discretion; Council Comments;
- ~~(11)~~(10) Reports of Council committees;
- ~~(12)~~(11) Reports or presentations of City Council other committees, City officials, the City Manager, or community organizations;
- ~~(13)~~(12) Nominations, appointments, and elections;
- ~~(14)~~(13) Consent agenda – At the request of any member of Council, without cause, an item in this portion of the agenda can be removed and placed on the legislative portion of the agenda for regular action. The consent agenda may include reports from various departments, bid awards, items having had two previous readings, acceptance of property and dedications,

easement agreements, and such other items as Council determines. Items which may not be included on the consent agenda are those which impose a tax or propose a levy or question for popular consideration on the ballot. Action on any item on the consent portion of the agenda shall not eliminate the need for a greater majority vote if one is called for by the Charter or these Council Rules. The consent agenda requires two motions; one to suspend the rules and a second motion for approval;

- ~~(15)~~(14) Consideration of any emergency items to be added to the agenda;
- ~~(16)~~(15) Legislation – All ordinances and resolutions that are not part of the consent agenda, including those that were removed from the consent agenda;
- ~~(17)~~(16) Adjournment/Recess: Unless Council shall, by a two-thirds vote, agree to continue, no discussion or action on any item of business shall be initiated or continued after 11:00 p.m., and at that time, a regular meeting of the Council shall be recessed until the next meeting;
- ~~(18)~~(17) Adjournment.”

Section 2. Existing Subsection (c) of 220.03, “Rules,” of Chapter 220, “Council”, of the Codified Ordinances to the extent not amended herein, shall remain in full force and effect.

Section 3. Chapter 220, “Council” of the Codified Ordinances is amended to enact new Section 220.08, “Invocation Policy” to hereinafter read as follows:

“220.08 INVOCATION POLICY.

(a) It is the intent of the Council to allow a private citizen to solemnize the proceedings of the Council of the City of Hudson. It is the policy of the Council to allow for an invocation, which may include a prayer, a reflective moment of silence, or a short solemnizing message, to be offered before its meetings for the benefit of Council to accommodate the spiritual and devotional needs of the public officials.

(b) No member or employee of the Council or City or any other person in attendance at the meeting shall be required to participate in any prayer or invocation presentation that is offered and such decision shall have no impact on the ability of the person to actively and fairly participate in the business of the Council.

(c) No member or employee of the Council or the City will direct the public or anyone to stand, bow, or in any way participate in the invocations; make public note of a person's presence or absence, attention or inattention during the invocation, or indicate that decisions of the Council will in any way be influenced by a person's acquiescence in the invocation opportunity.

(d) The invocation shall be voluntarily delivered by a representative chosen or self-selected by an entity on an Assemblies List for the City of Hudson. To ensure that such person (the "invocation speaker") is selected from among a wide pool of representatives, on a rotating basis, the invocation speaker shall be selected according to the following procedure:

(1) The Clerk to the Council of Hudson (the "Clerk") shall compile and maintain a database (the "Assemblies List") of the assemblies with an established presence in, or a significant tie to a resident of, the City of Hudson that regularly meet for the primary purpose of sharing a spiritual perspective (hereinafter referred to as a "spiritual assembly").

(2) The Assemblies List shall be compiled by referencing the listing for "churches," "synagogues," "congregations," "temples," "mosques" or other spiritual assemblies in the annual phonebook publication distributed by the company that holds the telecommunication franchise for the City, research from the Internet, and consultation with the local chambers of commerce. All spiritual assemblies with an established presence in the City are eligible to be included in the Assemblies List, and any such spiritual assembly can confirm its inclusion by specific written request to the Clerk.

(3) The policy is intended to be and shall be applied in a way that is all-inclusive of every diverse spiritual assembly serving the citizens of Hudson. The Assemblies List is compiled and used for purposes of logistics, efficiency, and equal opportunity for all of the community's spiritual assemblies and City residents belonging or ascribing to such assemblies who may themselves choose whether to respond to the Council's invitation and participate.

(4) The Assemblies List shall also include the name and contact information of any spiritual assembly located outside the City if such assembly is attended by at least one resident of the City and such resident requests the inclusion of the assembly by specific written communication to the Clerk.

(5) The Assemblies List shall be updated, by reasonable efforts of the Clerk, in November of each calendar year.

(6) Within thirty (30) days of the effective date of this policy, and on or about December 1 of each calendar year thereafter, the Clerk shall mail an invitation addressed to each entry on the Assemblies List and post a generic invitation on the City's website.

(7) The invitation shall be dated at the top of the page, signed by the Clerk at the bottom of the page, and read as follows:

To Whom It May Concern,

The Council of the City of Hudson makes it a policy to invite members of spiritual assemblies in Hudson or associated with Hudson through its residents to voluntarily offer an invocation before the beginning of its meetings, for the benefit of the Council. As a representative of one of the assemblies with an established presence serving the local community, you may offer this important service at an upcoming meeting of the Council if you so choose to do so.

If you are willing to assist the Council in this regard, please send a written reply at your earliest convenience to the Clerk of Council at the address included on this letterhead. Representatives are scheduled on a first-come, first-serve basis. The dates of the Council's scheduled meetings for the upcoming year are listed on the following, attached page or on the City's website at _____. If you have a preference among the dates, please state that request in your written reply.

This opportunity is voluntary, and you are free to offer the invocation according to the dictates of your own conscience. To maintain a spirit of respect and inclusiveness, the Council requests only that the opportunity not be exploited as an effort to convert others to the particular beliefs of the invocation speaker or to disparage any faith or belief different than that of the invocation speaker.

On behalf of the Council of the City of Hudson, I thank you in advance for considering this invitation.

*Sincerely,
Clerk of Council*

(8) The respondents to the invitation shall be scheduled on a first-come, first-serve basis to deliver the invocation.

(9) In the event an eligible representative of a spiritual assembly serving the local community has not complied with the terms of this policy, the representative has the right to have the matter reviewed by Council.

(e) No invocation speaker shall receive compensation for his or her service.

(f) No guidelines or limitations shall be issued regarding an invocation's content, except that Council shall request by the language of this policy that no invocation should proselytize or advance any faith or belief, or disparage the religious faith or non-religious views of others.

(g) The Clerk shall make every reasonable effort to ensure that a variety of eligible invocation speakers are scheduled for the Council's meetings.

(h) Neither the Council nor the Clerk shall engage in any prior inquiry, review of, or involvement in, the content of any invocation to be offered by an invocation speaker.

(i) To clarify the Council's intentions, as stated herein above, the following disclaimer shall be included in at least ten (10) point font at the bottom of any printed program or scheduled of events published by the Council:

“Any invocation that may be offered before the official start of the Council meeting shall be the voluntary offering of a private citizen, to or for the benefit of the Council. The views or beliefs expressed by the invocation speaker have not been previously reviewed or approved by the Council and do not necessarily represent the beliefs or views of the Council in part or as a whole. No member of the community or anyone present is required to attend or participate in the invocation and such decision will have no impact on a person's right to participate actively in the business of the Council. Copies of the policy governing invocations and setting forth the procedure to have a volunteer deliver an invocation are available upon written request submitted to the Clerk of Council.”

(j) 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 belief, faith or religious denomination.

Section 3. It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of

this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 4. This Ordinance shall take effect and be in force from and after the earliest period allowed by law.

PASSED: _____

William A. Currin, Mayor

ATTEST:

Elizabeth Slagle, Clerk of Council

I certify that the foregoing Ordinance was duly passed by the Council of said Municipality on _____, 2014.

Elizabeth Slagle, Clerk of Council