

ORDINANCE NO: 2024-05

**AN ORDINANCE ADOPTING POLICY REGARDING OPENING INVOCATIONS
BEFORE MEETINGS OF THE FARMINGTON CITY COUNCIL**

WHEREAS, the Farmington City Council has a long tradition of opening its meetings with an invocation, prior to its commencement of official business: and

WHEREAS, the United States Supreme Court has declared constitutional the practice of invocations before meetings of local governing bodies in *Town of Greece, N.Y. v. Galloway*, 572 U.S. 565 (2014); and

WHEREAS, the Utah Supreme Court has also validated the practice of legislative prayer before council meetings as consistent with the Utah Constitution in *Society of Separationists, Inc. v. Whitehead*, 870 P.2d 916 (1993); and

WHEREAS, the City Council agrees with the Supreme Court's declaration that such invocations "lend gravity to public business, reminds lawmakers to transcend petty differences in pursuit of a higher purpose, and express a common aspiration to a just and peaceful society," *Galloway*, 572 U.S. at 1823; and

WHEREAS, the City Council will not act as "supervisors and censors of religious speech," *id.* at 1822, by dictating the contents of the prayers; and

WHEREAS, the City Council will maintain neutrality in religious matters so that residents of Farmington City of any faith or no faith have equal access to presenting thoughts, supplications, praise, thanksgiving, readings and invocations at City Council meetings pursuant to the City's policy, which shall be administered on a non-discriminatory basis,

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF
FARMINGTON CITY, STATE OF UTAH, AS FOLLOWS:**

Section 1: Legislative findings.

- A. The City Council adopts the above recitals. The Council further makes its intentions clear that this policy is not intended to in any way affiliate the Council with, nor express a preference for or against any faith, belief, non-belief, opinion, religion, non-religion, or denomination.
- B. Ceremonial presentations such as the invocation have a secular purpose in that they:
 - i. Provide a moment for the Council members to reflect on the importance of business before the City Council;
 - ii. Promote an atmosphere of civility;
 - iii. Recognize cultural diversity within the City; and
 - iv. Show appreciation for contributions made by members of the community.
- C. The City Council acknowledges and expresses its respect for the diversity of religious and non-religious denominations and faiths represented and practiced among

Farmington residents. The Council's utilization of an invocation in its meeting demonstrates the Council's respect for its proceedings.

- D. The Council finds that the policy will avoid situations where any participant, whether an elected official, employee, applicant or attendee, is compelled to participate in the opening invocation.
- E. The City Council and staff shall not single out those who do not wish to participate in the invocation for opprobrium, nor shall a person's decision of whether to participate influence the Council's decisions.

Section 2: Adoption of Policy.

- A. At the commencement of Farmington City Council business meetings, the Council will allow for an invocation to be offered by a volunteer, which may include: a prayer; supplication; reflective moment of silence; short solemnizing message; praise or thanksgiving. It shall occur prior to the conduct of business and appear in the section of the agenda dedicated to items with a nature of celebration or recognition.
- B. Invocations are done on a volunteer basis without any compensation.
- C. The following are eligible to request inclusion on the agenda:
 - i. Current residents of Farmington City, Utah; and
 - ii. Individuals employed by or officially representing an organization physically located within Farmington City, Utah. For purposes of this policy, "organizations" includes churches, employers and civic organizations.
- D. Those who wish to be included on future agendas to offer an invocation may make their request by sending a written request to the City Recorder, which may be done electronically. The Recorder will transmit the request to the Mayor, and the City will place the volunteer on an upcoming agenda, notifying the volunteer at least five (5) days before the meeting at which the invocation will be provided.
 - i. If no requests for volunteers are received, or if the scheduled volunteer does not appear to participate, the Mayor may request a member of the Council to provide the invocation, or the Mayor may provide it.
- E. The City does not dictate the form or content of any invocation. It respectfully requests that those providing invocations to do so in a manner that neither proselytizes nor disparages others. The person offering the invocation should not direct or solicit gestures (such as by bowing heads, standing or raising hands) from the audience or other individuals present.
- F. Audience members, elected officials and staff may or may not participate, according to their own conscience. An individual's choice regarding participation shall not influence a councilmember's decisions, and shall not be the source of opprobrium from elected officials or city staff.
- G. Invocations are subject to the following limitations:
 - i. Invocations shall not exceed two (2) minutes in length.
 - ii. Volunteers who have provided an invocation in council meeting are ineligible to provide a subsequent invocation until two (2) years have passed since the date that they offered their previous invocation in council meeting.
 - iii. If a volunteer fails to appear and provide the invocation during the meeting on which they were listed on the agenda, they may request that their opportunity to provide an invocation be rescheduled. This may only be done one time. A

volunteer who fails to appear on two occasions is ineligible to be placed on the agenda until two (2) years have passed since the most recent meeting at which the volunteer failed to appear.

Section 3: Severability. If any section, clause, or provision of this Ordinance is declared invalid by a court of competent jurisdiction, the remainder shall not be affected thereby and shall remain in full force and effect.

Section 4: Effective Date. This Ordinance shall become effective immediately upon its passage.

PASSED AND ADOPTED BY THE CITY COUNCIL OF FARMINGTON CITY, STATE OF UTAH, THIS 16TH DAY OF January 2024.

ATTEST:



DeAnn Carlile, City Recorder

FARMINGTON CITY



Brett Anderson, Mayor

