



TOWN OF GARDNERVILLE
RESOLUTION 2022R-004

A RESOLUTION OF THE GARDNERVILLE TOWN BOARD
ADOPTING
POLICY REGARDING OPENING INVOCATIONS BEFORE MEETINGS
OF THE TOWN BOARD OF GARDNERVILLE

WITNESSETH

WHEREAS, the Gardnerville Town Board ("Board") is a duly authorized town board pursuant to Nevada Revised Statutes ("NRS") Chapter 269 and Douglas County Code ("DCC") 18.06; and

WHEREAS, the Board wishes to solemnize its proceedings by allowing for an opening invocation before each regular and special meeting, for the benefit and blessing of the Board; and

WHEREAS, the Board now wishes to adopt this formal, written policy to clarify and codify its invocation practices; and

WHEREAS, the Founders of this country recognized that American citizens possess certain rights that cannot be awarded, surrendered, nor corrupted by human power, and the Founders explicitly attributed the origin of these, our inalienable rights, to a Creator. These rights ultimately ensure the self-government manifest in our deliberative bodies, upon which we desire to invoke divine guidance and blessing; and

WHEREAS, in *Marsh v. Chambers*, 463 U.S. 783, 786 (1983), the United States Supreme Court concluded, "The opening of sessions of legislative and other deliberative public bodies with prayer is deeply embedded in the history and tradition of this country. From colonial times through the founding of the Republic and ever since, the practice of legislative prayer has coexisted with the principles of disestablishment and religious freedom."; and

WHEREAS, the Board desires to adopt a policy consistent with the Supreme Court's recognition that it is constitutionally permissible for a public body to "invoke divine guidance" on its work. *Id.*, at 792. Such invocation "is not, in these circumstances, an 'establishment' of religion or a step toward establishment; it is simply a tolerable acknowledgment of beliefs widely held among the people of this county." *Id.*; and

WHEREAS, the Supreme Court has determined, "The content of [such] prayer is not of concern to judges where...there is no indication that the prayer opportunity has been exploited to proselytize or advance any one, or to disparage any other, faith or belief." *Marsh*, 463 U.S. at 794-795; and

WHEREAS, this Board is not establishing a policy that defines the Constitutional limits for permissible public invocations but instead desires to adopt guidelines that are consistent with the guidance provided by the several courts that have considered the validity of public invocations, including in *Town of Greece v. Galloway*, 572 U.S. 565 (2014); and _____

WHEREAS, the Board intends to adopt a policy that does not proselytize or advance any particular faith, or show any purposeful preference of one religious view to the exclusion of others; and

WHEREAS, the Board intends to adopt a policy that will not show a purposeful preference to one religious view over another by not permitting the faith of the person offering the invocation to be considered when extending an invitation; and

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

NOW, THEREFORE, BE IT RESOLVED by the Town Board of Gardnerville that the Board hereby adopts the following written policy regarding opening invocations before meetings of the Board, to wit:

1. It is the intent of the Board to allow a private citizen to solemnize the proceedings of the Gardnerville Town Board. It is the policy of the Board 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 the Board.

2. Although the invocation may be listed in the program or schedule of events, it shall not be considered an agenda item for the meeting or part of the public business at any regular or special meeting which has been noticed for Board action.

3. No member or employee of the Town or any other person in attendance at any meeting shall be required to participate in any prayer that is offered and such decision shall have no impact on the ability of the person to actively participate in the business of the Board.

4. The invocation shall be voluntarily delivered by an eligible member of the clergy or appointed representative of an organization from the Board's Assemblies List. 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:

a. A member of the Board and Town counsel shall cause a database to be compiled and maintained (the "Assemblies List") of the assemblies and organizations with an established presence in Gardnerville and Douglas County that regularly meet for the primary purpose of sharing a religious perspective or exist for the betterment of the Town or county and their inhabitants (hereinafter referred to as benevolent organizations).

b. The Assemblies List shall be compiled from all available sources including the listing for "churches," "congregations," other religious assemblies or nonreligious/ non-profit organizations that are devoted to the betterment of the Town and its inhabitants in databases maintained by the Town, suggestions from Board members, the annual phonebook distributed by Tahoe Telephone Directories, research from the Internet, and consultation with local neighborhood associations. All benevolent organizations with an established presence in the area are eligible to be included in the Assemblies List, and any such organization may request inclusion in the Assemblies List by written request to the Chairman of the Board.

C. The policy is intended to be and shall be applied in a way that is all inclusive of every diverse religious assembly and benevolent organizations serving the citizens of Douglas County, irrespective of religious or irreligious affiliation. The Assemblies List is compiled and used for purposes of logistics, efficiency, and equal opportunity for all of the community's benevolent organizations, who may themselves choose whether to respond to the Board's invitation and participate. Should a question arise as to the authenticity of a benevolent organization, Town counsel shall refer to criteria used by the Internal Revenue Service in its determination of those organizations that would legitimately qualify for I.R.C. 501(c)(3) tax-exempt status.

d. The Assemblies List shall also include the name and contact information of any chaplain who may serve one or more of the fire department, law enforcement agencies or military organizations within the County.

e. The Assemblies List shall be updated, by reasonable efforts of the Town counsel, by December 15 of each calendar year.

f. Within thirty (30) days of the effective date of this policy, and on or about December 31 of each calendar year thereafter, the Board shall publish a notice in a newspaper of general circulation in Douglas County and on the Town's website which shall read:

TOWN BOARD OF GARDNERVILLE'S INVOCATION POLICY

*The Town Board of Gardnerville makes it a policy to invite members of the clergy, religious representatives and representatives of other benevolent organizations in Gardnerville and Douglas County to voluntarily offer an invocation before the beginning of its regular and special meetings at which the Board may take action, for the benefit, blessing, wisdom and guidance of the Board. Any leader of a religious congregation or representative of a benevolent organization with an established presence in the local community, any chaplain for one of the local fire department, law enforcement agency or military units, are eligible to offer this important service at an upcoming meeting of the Board**

Any organization or individual willing to assist the Board in this regard, please send a written request at your earliest convenience to the Town of Gardnerville at 1407 Hwy. 395, Gardnerville, Nevada. Persons delivering the invocation are scheduled on a first-come, first-serve basis. The dates of the Board's scheduled regular meetings for the upcoming year are established by policy and are

listed on the Boards website. Special meetings, when called, will be posted on the Board's website as soon as the Board determines to conduct a special meeting. If you have a preference among the dates, please state that request in your written request.

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 ecumenism, the Board requests only that the opportunity not be exploited as an effort to convert others to the particular faith of the invocation speaker, nor to disparage any faith or belief different than that of the invocation speaker, nor to disparage any person by name or by inference.

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CHAIRMAN

g. As the invitation notice indicates, the respondents to the invitation shall be scheduled on a first-come, first-serve basis to deliver the invocation.

h. In the event an eligible member of the clergy believes that the Board has not complied with the terms of this policy, the clergy member has the right to have the matter reviewed by the Board,

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

6. No invocation shall exceed ninety (90) seconds in length.

7. The invocation shall be positive and uplifting and respectful of the diverse religions and spiritual makeup of Douglas County and the Town.

8. The invocation need not be religious in form but may be a thought, reading or moment of silence. The invocation speaker shall not ask members of the Board or audience to stand, bow their head, pray or other gesture. An invocation speaker may use a phrase such as "please join me".

9. The invocation shall not address any agenda item in a way to attempt to influence the Board's decision or mention anyone by name or by inference.

10. The invocation speaker shall not solicit membership or donations to a church or organization.

11. An invocation speaker who fails to follow this policy will not be invited to speak another invocation.

12. Should a scheduled invocation speaker fail to attend a meeting when scheduled, the Board will observe a moment of silence.

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

14. The Board shall make every reasonable effort to ensure that a variety of eligible invocation speakers are scheduled for the Board regular and special meetings. In any event, no invocation speaker shall be scheduled to offer an invocation at consecutive meetings of the Board, or at more than three (3) Board meetings in any calendar year. Should there be no requests or not enough sufficient requests to give the invocation at any of the monthly meetings of the Board, the Board shall cause persons to be invited on a random basis,

15. The Board shall not engage in any prior inquiry, review of, or involvement in, the content of any invocation to be offered by an invocation speaker.

16. To clarify the Board's intentions, as stated hereinabove, the following disclaimer shall be included in at least ten (10) point font at the top of any printed agenda published by the Board and shall be read aloud prior to the introduction of the invocation speaker:

"Any invocation that may be offered before the official start of the Board meeting shall be the voluntary offering of a private citizen, to and for the benefit of the Board. The views or beliefs expressed by the invocation speaker have not been previously reviewed or approved by the Board and do not necessarily represent the religious beliefs or views of the Board in part or as a whole. No member of the community is required to attend or participate in the invocation and such decision will have no impact on their right to actively participate in the business of the Board. 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 Town Board of Gardnerville.

17. Shortly after the opening gavel that officially begins the regular or special meeting and the agenda/business of the public, the Chairperson of the Board shall introduce the invocation speaker and the person selected to recite the Pledge of Allegiance following the invocation, and invite only those who wish to show respect for the traditional observances and/or the Board to stand.

18. This policy is not intended, and shall not be implemented or construed in any way, to affiliate the Board with, nor express the Board's preference for, any faith or religious denomination. Rather, this policy is intended to acknowledge and express the Board's respect for the diversity of religious denominations and faiths represented and practiced among the citizens in Gardnerville and Douglas County. This policy shall in no way govern the statements or comments authorized by the Board's procedure for any member of the general public on any agenda item; this segment of the Board's agenda is intended to afford any member of the general public to make any statements protected by the First Amendment of the United States Constitution.

19. This Resolution shall be automatically renewed at the October general meeting of the Board as an item for possible action under the October Consent Calendar unless a member of the Board requests that this Resolution be scheduled for possible action under the October Administrative Agenda.

RESOLUTION PASSED this 4th day of October, 2022.

AYES:

Mike Henningsen

Lloyd Higuera

Ken Miller

Linda Slater

Mary Ann Wenner

NAYS:

ABSENT: _____

ATTEST:

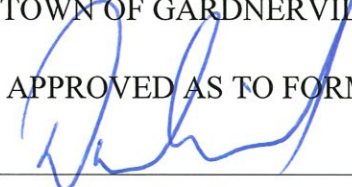


ERIK NILSSEN, P.E., TOWN MANAGER
TOWN OF GARDNERVILLE



MIKE HENNINGSEN, CHAIRMAN
GARDNERVILLE TOWN BOARD

APPROVED AS TO FORM AND CONTENT:



DAVID H. RIGDON
TAGGART & TAGGART, LTD.
TOWN COUNSEL