

# **REQUEST FOR BOARD ACTION**

## **HENDERSON COUNTY**

### **BOARD OF COMMISSIONERS**

**MEETING DATE:** 18 August 2010

**SUBJECT:** Invocations

**ATTACHMENT(S):** Draft Resolution

#### **SUMMARY OF REQUEST:**

On June 8, 2010, this Board directed the County Attorney to draft a policy on invocations which reflected the Board's discussions after the public hearing held by the Board on the subject (May 25, 2010). Attached you will find such a draft policy. Highlights:

- Board invites congregational leaders from Henderson County congregations to lead invocations at its regular meetings.
- The only content restrictions on the invocations are:
  - They are not allowed to either advance one religion or disparage another.
  - They may not advocate on issues pending before the board.
- Invitations will go to all County congregations, and invocations will be scheduled on a first to call, first scheduled basis.

County staff will present further information on this matter.

#### **BOARD ACTION REQUESTED:**

Consideration of the draft resolution.

If the Board is so inclined, the following motion is suggested:

***I move that the Board adopt the proposed resolution.***

**Before the  
Board of Commissioners  
Of Henderson County**

---

**DRAFT**

**A RESOLUTION REGARDING  
INVOCATIONS AT MEETINGS  
OF THE BOARD OF COMMISSIONERS**

**Adopted \_\_\_\_\_**

1           **WHEREAS**, Henderson County, the State of North Carolina, and the United States of America all have a  
2 rich religious heritage deserving of celebration and observance; and,

3           **WHEREAS**, opening meetings of the Board of Commissioners and other legislative bodies with an  
4 invocation seeking guidance from the Divine has become over the United States' history a part of the fabric of our  
5 society in Henderson County and elsewhere, and generally has a salutary effect on such meetings and its participants;  
6 and,

7           **WHEREAS**, the United States Supreme Court has determined in many cases, notably in *Marsh v. Chambers*,  
8 that “[t]he opening of sessions of legislative and other deliberative public bodies with prayer is deeply embedded in the  
9 history and tradition of this country. From colonial times through the founding of the Republic and ever since, the  
10 practice of legislative prayer has coexisted with the principles of disestablishment [of state religion] and religious  
11 freedom”; and,

12           **WHEREAS**, the purpose of such invocations has not been, is not and should not be to proselytize or  
13 advance or any one faith or belief, nor to disparage any faith or belief, but rather to focus the participants of meetings  
14 of the Board of Commissioners on their greater purposes, and to invoke guidance from a source other than the  
15 immediate concerns at hand; and,

16           **WHEREAS**, the United States Court of Appeals for the Fourth Circuit, in *Simpson v. Chesterfield County Board*  
17 *of Supervisors*, has given indication that such invocations can be permitted and proper, in circumstances where an



1 elected body invites religious leaders from its area to provide invocations without any preference to their  
2 denomination, in a manner “designed to foster widespread participation throughout the community” while  
3 solemnizing the occasion of the meeting, “expressing confidence in the future, and encouraging the recognition of  
4 what is worthy of appreciation in society”; and,

5 **WHEREAS**, the Board of Commissioners does not desire to require participation by those who attend its  
6 meetings in its invocation should such those in attendance not wish to participate, does not desire to inhibit the  
7 expression of any of the diverse religious views held by congregants within Henderson County.

8 **NOW, THEREFORE, IT IS RESOLVED** as follows:

9 A. At or immediately prior to the call to order for the conduct of public business of regular meetings  
10 of the Board of Commissioners, there shall be held an invocation, followed by the pledge of allegiance to the United  
11 States of America, inviting only those in attendance who wish to do so to participate.

12 B. The invocation shall be led by leaders of religious congregations worshipping in Henderson County,  
13 according to their beliefs, within the parameters set out in this paragraph. Such congregational leaders shall be  
14 invited by the Board to provide such invocations for Board meetings as stated below, in order to celebrate the rich  
15 and diverse religious heritage of Henderson County. The only guidance provided to such congregational leaders in  
16 their invocation shall be:

17 (1) Invocations should be intended to focus the participants of such meetings on their greater  
18 purposes, and invoke guidance from a source other than the immediate concerns at hand; and

19 (2) Invocations should be relatively brief, and should not be directed to any particular issue  
20 pending before the Board; and

21 (3) Invocations must not be intended to advance or any one faith or belief, or to disparage any  
22 other faith or belief.



1 C. No one attending such meeting, whether member Board, county employee, or any other person,  
2 shall be required to participate in any prayer that is offered, or to recite the pledge of allegiance.

3 D. Annually after the establishment of the regular meeting schedule for this Board, the Clerk to the  
4 Board shall send an annual invitation letter to the congregations worshipping within Henderson County. Such  
5 invitation shall include a copy of this Resolution. The listing of such congregations shall be obtained from sources  
6 reasonably available to the Clerk, including telephone listings, and shall also include Henderson County congregations  
7 which have informed the Clerk of their desire to participate. The invitation will request that the congregational  
8 leader contact the Clerk to schedule their participation. Participation shall be on a “first to respond, first to be  
9 scheduled” basis, and shall be scheduled by the Clerk in such a manner.

10 E. The list of congregations to whom the invitation letter is sent, and the list of scheduled invocations  
11 kept by the Clerk, shall be available for public inspection.

12 F. Should a person scheduled to provide an invocation not be present at the scheduled time and place  
13 for the same, or should no person be scheduled for a particular meeting, a member of the Board or other person  
14 designated by the Board may provide such invocation on the same terms as stated above.

15 G. This resolution is effective upon adoption.

---

**REMAINDER OF THIS PAGE INTENTIONALLY LEFT BLANK**



Made by adopted motion of the commission, the date and year shown above.

HENDERSON COUNTY BOARD OF COMMISSIONERS

**DRAFT**

By: \_\_\_\_\_  
WILLIAM L. MOYER, Chairman

ATTEST:

\_\_\_\_\_  
Clerk to the Board

