

POLICY STATEMENT

WHEREAS, state and local governing bodies across the nation have long maintained a tradition of solemnizing their proceedings by allowing an opening invocation for the benefit and blessing of those public bodies. The United States Supreme Court upheld the practice of opening legislative sessions with prayer and specifically concluded that “[t]he 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.” *Marsh v. Chambers*, 463 U.S. 783, 786 (1983); 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, the Spartanburg County Council, desires to avail itself of the direction provided by the South Carolina General Assembly as set forth in the South Carolina Public Invocation Act, S.C. Code Ann. § 6-1-160, to adopt a policy to permit a public invocation before each meeting of the County Council for the benefit of the County Council to be performed by “a chaplain elected by the public officials of the deliberative public body, S.C. Code Ann. § 6-1-160(B)(2); and

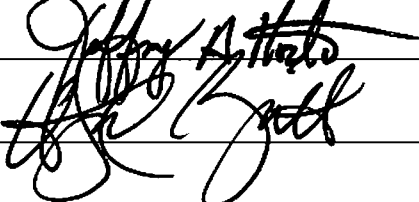
WHEREAS, since January 26, 2009, the County Council has opened its meetings with prayer led by an elected Chaplain; and


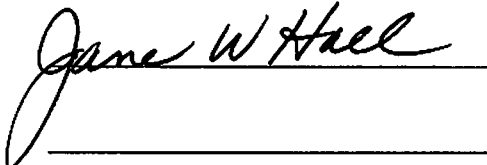
WHEREAS, the County Council sought legal advice from the South Carolina Attorney General and local counsel and has considered legal opinions for and against continuing public invocations, and the Council is further aware of recent cases on appeal in Federal Courts which may provide additional guidance for the implementation of policy concerning public invocations;

NOW THEREFORE, the County Council reaffirms its practice and formally adopts the following policy and procedures consistent with S.C. Code Ann. § 6-1-160:

1. Once a year or from time to time, as determined by the Chairman of the County Council, members of the County Council may nominate a religious leader from an established religious congregation within the County of Spartanburg to serve as a chaplain for the County Council. At the next regular meeting of the County Council after the nomination(s) are received, a nominee receiving the most votes of the members of the County Council will be appointed as the Chaplain for the Council. The incumbent Chaplain shall continue with present duties until such time as a new Chaplain is elected consistent with this policy. See S.C. Code Ann. § 6-1-160(B)(2). Council may elect Assistant Chaplain(s) as needed following the same process.
2. In the event the elected Chaplain is unable to attend a County Council meeting for whatever reason, the Chairman of County Council shall deliver the invocation or a member of Council may deliver the invocation on a rotation basis consistent with S.C. Code Ann. § 6-1-160(B)(1).
3. No person who delivers an invocation at the opening of the County Council meetings shall exploit the opportunity so as to proselytize or advance any one faith or disparage any other faith or belief.
4. Upon final resolution of any case addressing public invocations with a decision rendered by a court with jurisdiction over Spartanburg County, the County Council will promptly revisit its invocation policy and will make any adjustments that may be indicated by these pending cases.

The undersigned have reviewed this policy statement in anticipation of action to be taken at the next meeting of County Council to be scheduled and noticed in accordance with the South Carolina Freedom of Information Act.

  
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