



**THE CITY OF POUGHKEEPSIE
NEW YORK**

**COMMON COUNCIL MEETING
MINUTES**

Tuesday, July 5, 2016 6:30 p.m.

City Hall

I. PLEDGE OF ALLEGIANCE:

ROLL CALL

7 Present, 1 Absent (Councilmember Randall Johnson)

II. REVIEW OF MINUTES:

Common Council Minutes of June 20, 2016

Common Council Meeting Minutes			Yes/Aye	No/Nay	Abstain	Absent	
		Councilmember Young	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		Councilmember Perry	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		Councilmember McNamara	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	Accepted	Councilmember Klein	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Accepted	Councilmember Johnson	Voter	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input type="checkbox"/>	Tabled	Councilmember Cherry	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		Councilmember L. Johnson	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		Councilmember Petsas	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

III. PUBLIC PARTICIPATION: Three (3) minutes per person up to 45 minutes of public comment on any agenda and non-agenda items.

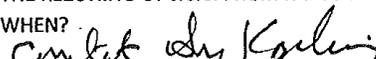
**Brian Turner CPPD
Jeff Aman- 90 Prestwick Circle
Constantine Kazolias 47 Noxon Street**

QUESTION? RE; WARYAS PARK! THE ICE HOUSE HAS EXPANDED INTO WARYAS PARK!! SPECIFICALLY FROM THE OLD BUILDING TO THE RIVER WITH SEATING INTO THAT ENCROACHMENT OF WARYAS PARK WHICH SERVS ALCOHOL ON THOSE PARK PREMISES, WHILE THE PARK RULES NO ALCOHOL IN ALL ~~CITY~~ CITY PARKS!! WHILE "SIX PACK BUBBA", IS RESTRICTED SUBJECT TO ARREST IF HE CONSUMNS BEER IN THE PUBLIC PORTION OF WARYAS PARK!!! WHY THE DOUBLRE STANDARD? THROW IN THE ICE HOUSE \$12,000/YR RENT, FREE CITY/SEWER, and SANITATION, NOT A BAD DEAL! WHEN ANOTHER ENTERPRISE ON LEASED CITY PROPERTY PAYS A \$30,000/YR RENTAL, PAYS FOR WATER/SEWER AND SANITATION!!!

QUESTION? WHY IS THE COUCILMAN FROM THE FOURTH WARD TELLING HIS COSTITUENTS AND DPW WORKERS SPECIFICALLY, THE SANITATION WORKERS THEY WILL BE, LIKE MARTHA'S MITCHELLS "GONE WITH THE WIND, COME JANUARY 01, 2017!!! FOR THE RECORD, THAT TORNADO TYPE STORM THAT HIT PUGHKEEPSIE IN THE AFTERNOON OF JULY 01, 2017, WHO RESPONDED BUT A DOZEN "POUGHKEEPSIE MINUTE MEN".A/K/A OUR SANITATION PROFESSIONALS WORKING UNDER LONG/TIRING /ADVERSE CONDITIONS PRIORITIZING DOWN TREES FOR REMOVAL!! KUDOS!!! THANKS TO THE \$2.3 MILLION COUNTY SALES TAX CUT BACKS BY C.E. MOLINARO AND THEN D.C. CHAIRMAN/NOW MAYOR ROLLISON, BEFORE THEIR, CUTS THE CITY HAD TWO TREE CREWS TO SERVICE 18,000 TREES. THE ENTERPRISE ZONE MONIES ARE THE CITIES ATM BANK! WHEN IS THE NYS COMPTROLLER GOING TO AUDIT THE ENTERPRISE MONIES, LABOR, AND A TOTTAL THOROUGH ~~IN~~ AUDIT? THE CITY HAS THREE COMPACTORS LONG PAST THE MFG EIGHT YEAR RECOMMENDED USE. THEY ARE 9, 12, AND 13 YEARS OLD.

FOR THE RECORD, IN THE LAST MONTH, THE SECOND WARD, IN MY NEIGHBORHOOD, HAS HAD THREE SHOOTING, TWO ON NOXON STREET AND ONE ON CHURCH STREET. THE ONLY TIME SHOOTINGS BECOME POUBLIC KNOWLEDGE IS WHEN THE VICTUM GOES TO THE E.R.!!!! PLUS NOXON STREET, NOT NOXON ROAD, HAS BECOME A SPEED ZONE WITH A POSTED 15MPH LIMIT NOT 51. IN THE PAST, HAVING THE TRAFFIC COP AT THE CORNER OF ACADEMY/NOXON, THE TOP OF THE HILL, DEFEATING THE PURPOSE AND A WAST OF MANPOWER!!!

THE REZONING OF J.C.C. FROM R-2 TO R-4 IS STILL ON THE TABLE TO BE VOTED UP OR DOWN!!!!
WHEN?


CONSTANTINE GUS KAZOLIAS

47 NOXON STREET,POUGHKEEPSI,N.Y.12601,07/05/16

Darrett Roberts 148 Franklin Street
Damon Crumb 73 Mansion Street
Laurie Sandow 201 South Grand Avenue

Comments of Laurie Sandow, Common Council meeting, July 5, 2016 – Pg 1 of 6

Four weeks ago, at the Common Council's June 6, 2016 meeting, a resolution was unnecessarily introduced at the last minute. Neither the revised agenda nor the resolution were posted to the City website on the day of the meeting, nor have they EVER been posted to the City website. As I stated at the last meeting, and repeat again, this is an ongoing violation of NY State Open Meetings law.

In fact, only four resolutions in total are available on the City website, dating from May 18th to December 16th, 2015. The entire Resolution history of this City was wiped out by the ill-conceived website redesign. When is that material going to be restored?

— When are time stamps going to be added to City website posts, including revised time stamps when posts are revised?

— When are Common Council and other materials going to be posted so that they can be read online without downloading, as they were in the previous version of the City website?

— When are the documents, including Common Council agendas, going to be posted as text files whose contents can be easily searched, rather than posted as bloated non-searchable image files?

Going back to the June 6 meeting: though the last-minute resolution was introduced without documentation, five members of the Council gladly voted in its favor, while shutting down fellow Councilmembers' efforts to educate themselves and the public about the resolution's content and background.

Comments of Laurie Sandow, Common Council meeting, July 5, 2016 – Pg 2 of 6

Contrast this with the vote on the Safe Staffing Resolution that took place at the last Common Council meeting [June 20th]. At that meeting, four councilmembers abstained from voting because, they said, they hadn't read material that had been in their hands for five weeks. One abstainer opined that being a Councilmember was a part-time job.

Does part-time job also explain the disappearance of mention or discussion of the City's jail expansion Memorandum of Understanding with the County?

At the June 20th Common Council meeting, there was an agenda item called "a communication on having an 'Open Prayer' during Common Council Meetings." The agenda packet was devoid of documentation about this so-called communication. Today's Common Council agenda packet contains the missing documentation, including a memorandum from the Corporation Counsel dated January 19, 2016. In other words, the current Council has had nearly 6 months to read this documentation, which clearly states "If the Common Council is desirous of including a period of prayer during council meetings, there will need to be a resolution put to vote amending Rule 4 of the Rules of Conduct and Procedure."

Could it be that 6 months is also not enough time to read documentation? Because today's agenda suggests intent to introduce prayer through a communication, rather than a resolution.

Comments of Laurie Sandow, Common Council meeting, July 5, 2016 – Pg 3 of 6

Curiously, there's no effort to introduce prayer behind the closed doors of Council caucus meetings, but only in a public display—a display that certain Bible verses deem hypocritical. Prayer is not a political football; prayer is a personal intimate communication we choose with our Creator, already available to any one of us at any time, 24/7.

Yet, a communication from Chris Petsas to Tracy Hermann on Jan 8 [2016, at 12:25pm], reads:

“In speaking with several members of the Council and the Mayor - we are looking into having an ‘invocation/ opening prayer’ (1 to 2 mins) at the start of each regular council meeting by local clergy. Many other communities do this - why the city of Poughkeepsie does not - I am not sure why. However, in the spirit of a new direction and UNITY and TOGETHERNESS - I think this would be a good move to bring these anchor institutions into our council chambers and build a relationship with them. We would use our Council members and the DC Interfaith council [DCIC] to find interested clergy - from baptist, to roman catholic, to Jewish and all faiths in between. Thoughts?

Hermann responded [at 1:34pm]: “I think it warrants a conversation, and probably one best done outside of email. Looking forward to discussing.”

And on Jan 8 [2016, at 2:43pm the same day]—less than 2 hours and 20 minutes after first broaching the question—Chris Petsas declared without further conversation and WITHOUT DOCUMENTATION: “A majority of our members have expressed support for this and we will move forward with it - with Rev. Bottoms giving the first prayer on the 19th [of January].”

Comments of Laurie Sandow, Common Council meeting, July 5, 2016 – Pg 4 of 6

How will public prayer at Common Council meetings put an end to the bullying, backstabbing, manipulation and trash-talking that takes place behind closed Council doors? How will prayer at Common Council meetings bring a new era of timely documentation, full disclosure, and well-informed, lawful participation by Council members?

In summary: the attempt to introduce prayer at Common Council meetings is a political manipulation—a wolf in sheep’s clothing—pretending to act “in the spirit of a new direction ...,” while actually undermining unity and togetherness, and imposing state-sanctioned prayer in place of individual choice regarding time and place of worship, observance, practice and teaching.

The attempt to introduce prayer at Common Council meetings through a communication rather than a resolution is a cynical attempt to display public piety even while willfully violating the law, including Councilmembers’ sworn oath to “...support the constitution of the United States, and the constitution of the State of New York, and ... faithfully discharge the duties of the office ...”

5 of 6

Begin forwarded message:

From: "Hermann, Tracy" <THermann@cityofpoughkeepsie.com>
Date: January 8, 2016 at 2:50:54 PM EST
To: "Petsas, Christopher D." <CPetsas@cityofpoughkeepsie.com>
Subject: Re: Council Meetings

I'm confused. Your initial email asked for our thoughts.

Sent from my iPhone

On Jan 8, 2016, at 2:43 PM, Petsas, Christopher D.
<CPetsas@cityofpoughkeepsie.com> wrote:

A majority of our members have expressed support for this and we will move forward with it – with Rev. Bottoms giving the first prayer on the 19th.

CDP

From: Hermann, Tracy
Sent: Friday, January 08, 2016 1:34 PM
To: Petsas, Christopher D.
Cc: Common Council; Rolison, Robert G.; Knapp, Ron
Subject: Re: Council Meetings

I think it warrants a conversation, and probably one best done outside of email. Looking forward to discussing.

JTH

Sent from my iPhone

On Jan 8, 2016, at 12:25 PM, Petsas, Christopher D.
<CPetsas@cityofpoughkeepsie.com<<mailto:CPetsas@cityofpoughkeepsie.com>>> wrote:

Good afternoon,

In speaking with several members of the Council and the Mayor – we are looking into having an "invocation/ opening prayer" (1 to 2 mins) at the start of each regular council meeting by local clergy. Many other communities do this – why the city of Poughkeepsie does not – I am not sure why. However, in the spirit of a new direction and UNITY and TOGETHERNESS – I think this would be a good move to bring these anchor institutions into our council chambers and build a relationship with them. We would use our Council members and the DC Interfaith council to find interested clergy – from baptist, to roman catholic, to Jewish and all faiths in between. Thoughts?

CDP

6 of 6

The Rules of Conduct and Procedure adopted at Jan. 2 organizational meeting make no mention of invocation or opening prayer. Therefore, the rules of conduct and procedure and the order of business having been adopted by Resolution and vote, will require a Resolution and vote to amend:

<http://ecode360.com/attachment/PO1408/PO1408-CHA.pdf>
Section 2.03 Organizational Meeting; Voting; Election of Chairperson and Vice-Chairperson; Rules of Conduct and Procedure

The common council shall conduct its organizational meeting at the Poughkeepsie city hall on the second day of January of each year unless such date shall fall on a Sunday, in which event it shall conduct such meeting the following day. Each organizational meeting shall be open to the public. Each councilmember shall be entitled to cast one vote on any matter to come before it. The common council at such meeting shall elect a chairperson from among its members, who shall serve as chairperson and preside at all meetings of the common council for the balance of the calendar year. The common council at such meeting shall also elect a vice-chairperson, who shall serve as chairperson and preside at all common council meetings throughout the balance of the calendar year at which the chairperson is absent, **and it shall provide by resolution for its own rules of conduct and procedure for the current year.**

From 2016 Organizational Meeting Packet

RESOLUTION (R16-03)

BE IT RESOLVED, that the Common Council adopts for use during the year 2016 the Rules of Conduct and Procedure of the Common Council of the City of Poughkeepsie, a copy of which is attached hereto and made a part of this Resolution.

RULE IV. The City Chamberlain shall record the attendance at meetings. The order of business at regular meetings shall be as follows:

1. Pledge of allegiance and Roll Call.
2. Review of the minutes of the previous meeting.
3. Reading by City Chamberlain of any resolution or other item not listed on the printed agenda.
4. Public participation for a period not to exceed 45 minutes. At the outset of each meeting, individuals will be asked to register their intent to speak, providing their name and address. Each speaker may speak for up to three minutes on an agenda item or any aspect of City government or legislation. When the number of persons who have registered to speak requires that the allotted 45 minutes will be exceeded, an additional 15 minutes will be allotted for registered speakers, following all other business of the Council. Suspension of the rules will, as needed, be considered for those matters where further public participation may be warranted.
5. Mayor's comments
6. Chairperson's comments and presentations
7. Motions and resolutions.
8. Ordinances and local laws.
9. Presentation of petitions and communications.
10. Unfinished business.
11. New business.
12. Adjournment.

IV. MAYOR'S COMMENTS:

Mayor Rolison wanted to go over a few things that have taken place between the last meeting and tonight. Obviously a lot has happened, but he is not going to go through the entire list. First wanted to bring attention to, we in city hall, and city government are participating with the county in the backpack supplies and more initiative for school children for the coming school year. We have been asked to collect 850 black and white composition note books. They are going to go into the backpacks, and the county and the city are doing that. We would like to get them by the 12th of next week, and you can put them in Kelsey Bradley, Administrative Assistant to the Mayor's office. They will be given to Christ Church, that it the group that stuffs the backpacks. Also, since last meeting, he, along with Councilman Young, and eight other people spent eighteen hours in a van together, going to Pittsburgh. That was a really great experience being in a van for eighteen hours with a group of people, many who did not know each other all that well, and now have established relationships. They went to a youth educational center called, Manchester Bidwell in the City of Pittsburgh, and looked at what they're doing there. There were members of County government, City Government, the School District, Non-Profits, himself, the County Executive. It was very enlightening and very empowering. There will be some follow-up meeting, Manchester Bidwell may try and come to the City of Poughkeepsie and do a study of the services here. At this point no decisions have been made. Good news, the interviews that have been ongoing for Finance Commissioner and City Administrator are in their final stages where there are candidates, who are now discussion a little more of the details as far as compensation goes. Will keep you all posted on that, and we would like to have that wrapped up by the end of the week, and then we can start the other process with the City Council. There was another budget meeting with Department Heads where we focused on revenue projects for both 2016 and 2017. The budget process has started early and it's starting to develop. Our budget people now have it what they call "initialized in our system" where Department Heads can go into their terminals, and input data. As far as the Arts Commission is concerned, knows that members of the committee are at the council meeting tonight. They have been working with Councilmember McNamara and the Arts Commission, and Corporation Counsel to develop language and criteria for an Arts Commission. They have agreed to that, and he is ready to create an Arts Commission by Executive Order, which will establish that. The storm, at 3:41p.m. it was raining here at City Hall, and at 3:41 p.m., the phones starting ringing downstairs in the 911 Center. Statistically, we are very lucky there were no injuries in the storm. There was one individual that was stuck in his car at the intersection of Arnold and Kingston, in about four feet of water. The Fire Department was able to get that person out of there. During the storm there were approximately one hundred calls to the 911 Center in about a two hour period. They responded to forty-four fire calls during the storm, thirty-six which were storm related, and eight which were normal activity. Bartlett Park was especially hit hard. We lost a lot of limbs and trees there. Commissioner Gent has indicated that they will start clearing there tomorrow morning, approximately at 6:00 a.m.

V. CHAIRMAN'S COMMENTS AND PRESENTATIONS:

Chairman Petsas wanted to reiterate that the National Night Out is Tuesday, August 2nd between 5:00-8:00 p.m. at Waryas Park. It is lots of events for children and families, and thanks them for hosting this, and encourages his colleagues and everyone from the community to come out. Briefly, how resolutions get to a vote in this city council, generally, 98% of them go on as a communication, so that the council and the community has the ability to discuss it and communicate about it. It is then brought up on the agenda for a vote. There are rare instances, out of many votes taken by this council that there are walk-ons, things that have deadlines, time sensitive, or things that simply make sense, such as we believe the Family Partnership Center is a vital asset to our community, and we should back it up. So that is how these things get on, tonight it is simply a communication to talk about the possibility of having a prayer blessing before our council meetings, like other communities do. If there is enough votes, we will bring it to a vote of the city council. That is how resolutions get voted on by this council.

VII. MOTIONS AND RESOLUTIONS:

- 1. A motion was made by Councilmember Cherry and seconded by Councilmember Klein to receive and print.**



William Brady
Commissioner of Finance

The City of Poughkeepsie
New York

July 5, 2016

To: Chairman Chris Petsas
Members of the Common Council

From: William Brady, Commissioner of Finance

WJB

Re: Amending and Restating the Interfund Borrowing Resolution

As we discussed at the June 20 Common Council meeting, I am asking for Council approval of an Amended and Restated Resolution authorizing the Interfund Borrowing of \$450,000 from the Sewer Fund to pay the cost of replacing the roof on the wastewater treatment facility. Originally the Common Council has authorized the borrowing of \$300,000. The cost of the roof replacement has been bid, and the low bid is approximately \$395,000. This loan will allow us to complete the project, and we will receive reimbursement from the NYS Environmental Facilities Corp. in early 2017.

Thank you for your consideration.

Municipal Building • 62 Civic Center Plaza • Poughkeepsie, NY 12601 • 845.451.4025 • 845.451.4027

RESOLUTION
R16-62
EXTRACT OF MINUTES

Official Minutes of the Council Meeting of Tuesday, July 5, 2016

A regular meeting of the Common Council of the City of Poughkeepsie, Dutchess County, New York was convened in public session at the Council Chambers, City Hall, Poughkeepsie, New York on July 5, 2016 at 6:30 o'clock p.m., local time.

The meeting was called to order by **Chairman Petsas**, and, upon roll being called, the following members were:

PRESENT:

Councilmember Natasha Cherry
Councilmember Lee David Klein
Councilmember Lorraine Johnson
Councilmember Matthew McNamara
Councilmember Ann Perry
Councilmember Christopher D. Petsas
Councilmember Mike Young

ABSENT:

Councilmember Randall A. Johnson II

The following persons were ALSO PRESENT:

William Brady, Commissioner of Finance

The following resolution was offered by Councilmember Cherry, seconded by Councilmember Klein, to wit;

RESOLUTION DATED JULY 5, 2016

AN AMENDED AND RESTATED RESOLUTION AUTHORIZING
INTERFUND BORROWING REGARDING THE
EFC SEWER PROJECT FOR REPLACEMENT OF
WASTEWATER TREATMENT PLANT ROOF

NOW, THEREFORE, BE IT RESOLVED, that the Commissioner of Finance is hereby authorized to make a short term non-interest bearing interfund loan from the Sewer Fund, in an amount currently estimated not to exceed \$450,000, to provide sufficient cash to proceed with the Wastewater Treatment Plant roof replacement portion of the capital project authorized by Bond Resolution No. R15-16 dated February 17, 2015, as amended by Supplemental Bond Resolution No. R15-70 dated September 8, 2015, authorizing the improvement of pump stations including Meyer Avenue Pump Station, Pine Street Pump Station and Cedar Avenue Pump Stations, the improvements to the Wastewater Treatment Plant, the completion of storm sewer line separation to eliminate the Riverview Combined Sewer Overflow, and the relining of sewer pipes at various locations in the City to address sanitary sewer overflows to the receiving waters at an estimated maximum cost of \$11,256,000, until obligations authorized by such resolution are sold pursuant to such resolution.

The question of the adoption of the foregoing resolution was duly put to vote on a roll call, which resulted as follows:

Councilmember Natasha Cherry
Councilmember Lee David Klein

VOTING Aye
VOTING Aye

Official Minutes of the Council Meeting of Tuesday, July 5, 2016

Councilmember Lorraine Johnson	VOTING Aye
Councilmember Randall A. Johnson II	VOTING Absent
Councilmember Matthew McNamara	VOTING Aye
Councilmember Ann Perry	VOTING Aye
Councilmember Christopher D. Petsas	VOTING Aye
Councilmember Mike Young	VOTING Aye

The foregoing resolution was thereupon declared duly adopted.

Approved: July 5, 2016

Rob Rolison
Mayor

CERTIFICATE OF RECORDING OFFICER

The undersigned hereby certifies that:

(1) He/She is the duly qualified and acting Chamberlain of the City of Poughkeepsie, Dutchess County, New York (hereinafter called the "City") and the custodian of the records of the City, including the minutes of the proceedings of the Common Council, and is duly authorized to execute this certificate.

(2) Attached hereto is a true and correct copy of a resolution duly adopted at a meeting of the Common Council held on the 5th day of July, 2016 and entitled:

RESOLUTION DATED JULY 5, 2016

A RESOLUTION AUTHORIZING INTERFUND BORROWING REGARDING THE
EFC SEWER PROJECT FOR REPLACEMENT OF
WASTEWATER TREATMENT PLANT ROOF

(3) Said meeting was duly convened and held and said resolution was duly adopted in all respects in accordance with law and the regulations of the City. To the extent required by law or said regulations, due and proper notice of said meeting was given. A legal quorum of members of the Common Council was present throughout said meeting, and a legally sufficient number of members (majority of the Common Council) voted in the proper manner for the adoption of the resolution. All other requirements and proceedings under law, said regulations or otherwise incident to said meeting and the adoption of the resolution, including any publication, if required by law, have been duly fulfilled, carried out and otherwise observed.

(4) The seal appearing below constitutes the official seal of the City and was duly affixed by the undersigned at the time this certificate was signed.

IN WITNESS WHEREOF, the undersigned has hereunto set her hand this ___ day of _____, 2016.

-SEAL-

Deanne Flynn
City Chamberlain

R16-62						
			Yes/Aye	No/Nay	Abstain	Absent
<input checked="" type="checkbox"/> Accepted <input type="checkbox"/> Defeated <input type="checkbox"/> Tabled	Councilmember Young	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Perry	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember McNamara	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Klein	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Johnson	Voter	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Councilmember Cherry	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember L. Johnson	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Petsas	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

2. A motion was made by Councilmember Cherry and seconded by Councilmember Klein to receive and print.

A RESOLUTION OF THE CITY OF POUGHKEEPSIE DESIGNATING 11 DAVIES PLACE AS A LOCAL HISTORIC LANDMARK

(R16-63)

INTRODUCED BY COUNCILMEMBER CHERRY

WHEREAS, the 11 Davies Place is owned by Holy Comforter Church and which property has been nominated for a local historic landmark designation with the City of Poughkeepsie Historic District and Landmarks Preservation Commission (hereinafter “HDLPC”); and

WHEREAS, the HDLPC held a public hearing on May 12, 2016 regarding the application as a local historic landmark; and

WHEREAS, the HDLPC voted unanimously in favor of the proposed designation and approved the application on May 12, 2016; and

WHEREAS, the HDLPC’s approved application was forwarded to the Common Council for consideration on June 1, 2016; and

WHEREAS, the Common Council held a public hearing on June 20, 2016 regarding the nomination as a local historic landmark; and

WHEREAS, after duly considering the factors specified in Section 19-4.5(4) of the Code

of Ordinances of the City of Poughkeepsie, the Common Council hereby finds that the property located at 11 Davies Place possesses special character, historic and aesthetic value as part of the cultural, economic and social history of the City of Poughkeepsie; embodies distinguishing characteristics of an architectural style; is identified with historic personages; and is the work of a designer whose work has significantly influenced an age.

NOW THEREFORE,

BE IT RESOLVED, that the City of Poughkeepsie Common Council hereby designates the 11 Davies Place as a local historic landmark. The City Chamberlain is authorized and directed to forward notice of the designation of 11 Davies Place to the Dutchess County Clerk for recordation.

SECONDED BY COUNCILMEMBER KLEIN

R16-63			Yes/Aye	No/Nay	Abstain	Absent
<input checked="" type="checkbox"/> Accepted <input type="checkbox"/> Defeated <input type="checkbox"/> Tabled	Councilmember Young	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Perry	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember McNamara	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Klein	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Johnson	Voter	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Councilmember Cherry	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember L. Johnson	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Petsas	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

3. A motion was made by Councilmember Cherry and seconded by Councilmember Johnson to receive and print.

A RESOLUTION OF THE CITY OF POUGHKEEPSIE DESIGNATING 18 DAVIES PLACE AS A LOCAL HISTORIC LANDMARK

(R16-64)

INTRODUCED BY COUNCILMEMBER CHERRY

WHEREAS, the 18 Davies Place is owned by Holy Comforter Church and which property has been nominated for a local historic landmark designation with the City of Poughkeepsie Historic District and Landmarks Preservation Commission (hereinafter

“HDLPC”); and

WHEREAS, the HDLPC held a public hearing on May 12, 2016 regarding the application as a local historic landmark; and

WHEREAS, the HDLPC voted unanimously in favor of the proposed designation and approved the application on May 12, 2016; and

WHEREAS, the HDLPC’s approved application was forwarded to the Common Council for consideration on June 1, 2016; and

WHEREAS, the Common Council held a public hearing on June 20, 2016 regarding the nomination as a local historic landmark; and

WHEREAS, after duly considering the factors specified in Section 19-4.5(4) of the Code of Ordinances of the City of Poughkeepsie, the Common Council hereby finds that the property located at 18 Davies Place possesses special character, historic and aesthetic value as part of the cultural, economic and social history of the City of Poughkeepsie; embodies distinguishing characteristics of an architectural style; is identified with historic personages; and is the work of a designer whose work has significantly influenced an age.

NOW THEREFORE,

BE IT RESOLVED, that the City of Poughkeepsie Common Council hereby designates the 18 Davies Place as a local historic landmark. The City Chamberlain is authorized and directed to forward notice of the designation of 18 Davies Place to the Dutchess County Clerk for recordation.

SECONDED BY COUNCILMEMBER KLEIN

R16-64			Yes/Aye	No/Nay	Abstain	Absent
<input checked="" type="checkbox"/> Accepted <input type="checkbox"/> Defeated <input type="checkbox"/> Tabled	Councilmember Young	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Perry	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember McNamara	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Klein	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Johnson	Voter	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Councilmember Cherry	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember L. Johnson	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Petsas	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

4. A motion was made by Councilmember Cherry and seconded by Councilmember Johnson to receive and print.

A RESOLUTION OF THE CITY OF POUGHKEEPSIE DESIGNATING 85 SOUTH HAMILTON STREET AS A LOCAL HISTORIC LANDMARK

(R16-65)

INTRODUCED BY COUNCILMEMBER CHERRY

WHEREAS, the 85 South Hamilton Street is owned by Marion Rutherford and Barbara Rutherford-Kutschbach and which property has been nominated for a local historic landmark designation with the City of Poughkeepsie Historic District and Landmarks Preservation Commission (hereinafter “HDLPC”); and

WHEREAS, the HDLPC held a public hearing on May 12, 2016 regarding the application as a local historic landmark; and

WHEREAS, the HDLPC voted unanimously in favor of the proposed designation and approved the application on May 12, 2016; and

WHEREAS, the HDLPC’s approved application was forwarded to the Common Council for consideration on June 1, 2016; and

WHEREAS, the Common Council held a public hearing on June 20, 2016 regarding the nomination as a local historic landmark; and

WHEREAS, after duly considering the factors specified in Section 19-4.5(4) of the Code of Ordinances of the City of Poughkeepsie, the Common Council hereby finds that the property

located at 85 South Hamilton Street possesses special character, historic and aesthetic value as part of the cultural, economic and social history of the City of Poughkeepsie; embodies distinguishing characteristics of an architectural style; is identified with historic personages; and is the work of a designer whose work has significantly influenced an age.

NOW THEREFORE,

BE IT RESOLVED, that the City of Poughkeepsie Common Council hereby designates the 85 South Hamilton Street as a local historic landmark. The City Chamberlain is authorized and directed to forward notice of the designation of 85 South Hamilton Street to the Dutchess County Clerk for recordation.

SECONDED BY COUNCILMEMBER KLEIN

R16-65						
			Yes/Aye	No/Nay	Abstain	Absent
<input checked="" type="checkbox"/> Accepted <input type="checkbox"/> Defeated <input type="checkbox"/> Tabled	Councilmember Young	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Perry	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember McNamara	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Klein	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Johnson	Voter	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Councilmember Cherry	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember L. Johnson	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Petsas	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

VIII. ORDINANCES AND LOCAL LAWS:

IX. PRESENTATION OF PETITIONS AND COMMUNICATIONS:

- 1. FROM COUNCILMEMBER YOUNG**, a communication on proposed changes to the “Rules of Conduct and Procedure”, By-Laws of the Common Council.

Summary of Suggested Changes to the Common Council Rules of Conduct and Procedure Adopted Jan 2nd, 2016.

Changes to Rule IV

- 1) Agenda updated to include "Reports from Committees, Boards, and Departments"
- 2) Public Comment split into two sections:
 - a) One prior to motions/resolutions for specific agenda items.
 - b) One prior to new business for all other topics of city governance.
- 3) Order of speakers for public comment modified to rotate through agenda topics to ensure each topic has a fair hearing before time limit elapses.

Suggested New Rule IV

RULE IV. Regular Meetings:

(a) The City Chamberlain shall record the attendance at meetings. The order of business at regular meetings shall be as follows:

1. Pledge of allegiance and Roll Call.
2. Review of the minutes of the previous meeting.
3. Reading by City Chamberlain of any resolution or other item not listed on the printed agenda.
4. Reports from Committees, Boards, and Departments
5. Mayor's comments
6. Chairperson's comments and presentations
7. Public comment on agenda items for a period not to exceed 45 minutes.
8. Motions and resolutions.
9. Ordinances and local laws.
10. Presentation of petitions and communications.
11. Unfinished business.
12. Public comment.
13. New business.
14. Adjournment.

(b) At the outset of each meeting, individuals will be asked to register their intent to speak, providing their name and address and agenda item topic(s) on which they wish to comment. Each speaker may speak for up to three minutes on agenda item(s). Speakers shall speak in order of registration, except when the number of persons who have registered to speak requires that the allotted 45 minutes will be exceeded. In such case, the Chair shall select the first registered individual for each registered agenda topic, and proceed in such manner so that each agenda topic shall have an opportunity for equal discussion. Unless these rules be suspended, any remaining registered speakers after the allotted time shall be given precedence in the later public comment period after unfinished business of the council.

(c) Individuals who wish to comment on other aspects of City government or legislation not on the

- 2. FROM CHAIRMAN PETSAS, a communication on having an "Open Prayer" during Common Council Meetings.**

The City of Poughkeepsie

New York

Paul Ackermann, Esq.
Corporation Counsel
p.ackermann@cityofpoughkeepsie.com



62 Civic Center Plaza
Poughkeepsie, New York 12601
TEL: (845) 451-4065 FAX: (845) 451-4070

Memorandum

(OPINION 02-2016)

TO: Chairman Petsas
FROM: Paul Ackermann 
DATE: January 19, 2016
SUBJECT: Prayer/Invocation at Common Council Meetings
CC: Mayor; City Administrator; Common Council

This office has been asked to offer a legal opinion regarding a period of prayer/invocation at the beginning of Common Council Meetings. Based on the holding of the Supreme Court in *Town of Greece v. Galloway*, it is legally permissible, and not a violation of the establishment clause, to have a moment of prayer at a meeting of a legislative body. Additionally, the Court indicated that the prayer at such a meeting need not exclude reference to a specific set of beliefs or God. However, the Supreme Court noted that once the government chooses to invite prayer into the public sphere it must allow the "prayer giver to address his or her own God or gods as conscience dictates." The Court further noted that there must be a policy of non-discrimination by the legislative body when allowing prayer at public meetings.

In the wake of the Court's holding in *Town of Greece* several municipalities adopted formal resolutions establishing a policy by which invocations would be governed at board meetings. Attached for your review are the resolutions adopted by the Town of Greece, New York and the City of Chino, California. These policies set forth the process by which invocation speakers are solicited and selected. As you can see from the attached policies the burden for generating invitation letters, compiling a database, and choosing who will provide the invocation falls on the town/city clerk. The resolution adopted by the Town of Greece recognized that a dispute may arise as to the authenticity of a religious assembly. If such a dispute arose the town clerk was directed to the criteria used by the Internal Revenue Service for the determination of I.R.C. 501(c)(3) tax exempt status.

If the Common Council is desirous of including a period of prayer during council meetings, there will need to be a resolution put to vote amending Rule 4 of the Rules of Conduct and Procedure. If that resolution passes, the council will then need to adopt a formal policy governing this period of prayer. If the Council decides to amend its by-laws and adopt a policy for implementation, the City Chamberlain should be consulted since her department would most likely be implementing the policy.

**POLICY REGARDING OPENING INVOCATIONS BEFORE
MEETINGS OF THE TOWN BOARD OF THE TOWN OF GREECE**

WHEREAS, the Town Board of the Town of Greece ("the Town Board") is an elected legislative and deliberative public body, serving the citizens of Greece, New York; and

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

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

WHEREAS, our country's Founders recognized that we 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 (1983), the United States Supreme Court validated the Nebraska Legislature's practice of opening each day of its sessions with a prayer by a chaplain paid with taxpayer dollars, and specifically 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." *Id.* at 786; and

WHEREAS, in *Town of Greece v. Galloway*, 134 S.Ct. 1811, 2014 WL 1757828 (May 5, 2014), the United States Supreme Court validated opening prayers at meetings of this Town Board finding that "legislative prayer lends gravity to public business, reminds lawmakers to transcend petty differences in pursuit of a higher purpose, and expresses a common aspiration to a just and peaceful society." *Id.* at *7; and

WHEREAS, the Town Board desires to avail itself of the Supreme Court's recognition that it is constitutionally permissible for a public body to "invoke divine guidance" on its work. *Id.* at 792; and

WHEREAS, the Supreme Court has clarified that opening invocations are "meant to lend gravity to the occasion and reflect values long part of the Nation's heritage" and should not show over time "that the invocations denigrate nonbelievers or religious minorities, threaten damnation, or preach conversion." *Town of Greece*, 2014 WL 1757828, at *11; and

WHEREAS, in *Town of Greece* the Supreme Court rejected a challenge based on the religious content of the prayers and cautioned against government officials acting as "supervisors and censors of religious speech" by requiring that prayers be "generic" or "nonsectarian," noting

that “[t]he law and the Court could not ... require ministers to set aside their nuanced and deeply personal beliefs for vague and artificial ones.” *Id.* at *10, *11. Further, the Court stated: “Once it invites prayer into the public sphere, government must permit a prayer giver to address his or her own God or gods as conscience dictates.” *Id.* at *11; and

WHEREAS, this Town Board is not establishing a policy that defines the constitutional limits for permissible public invocations; rather, this Town Board intends to adopt guidelines that are consistent with the guidance provided by several courts that have considered the validity of public invocations; and

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

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

WHEREAS, the Town Board believes that clergy that serve the local community are peculiarly suited through training, tradition, and public service to petition for divine guidance upon the deliberations of the Town Board, and to accomplish the Town Board’s objective to solemnize public occasions, express confidence in the future, and to encourage the recognition of what is worthy of appreciation in society. See *Lynch v. Donnelly*, 465 U.S. 668, 693 (1984) (O’Conner, J., concurring); and

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

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

1. It is the intent of the Town Board to allow a private citizen to solemnize the proceedings of the Town Board. It is the policy of the Town 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 Town Board to accommodate the spiritual needs of the public officials.

Official Minutes of the Council Meeting of Tuesday, July 5, 2016

2. No member or employee of the Town Board or any other person in attendance at the 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 Town Board.

3. No member or employee of the Town Board will direct the public to stand, bow, or in any way participate in the prayers; make public note of a person's presence or absence, attention or inattention during the invocation; or indicate that decisions of the Town Board will in any way be influenced by a person's acquiescence in the prayer opportunity.

4. The invocation shall be voluntarily delivered by an appointed representative of an Assemblies List for the Town of Greece. 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. The Clerk to the Town Board (the "Clerk") shall compile and maintain a database (the "Assemblies List") of the assemblies with an established presence in the Town of Greece that regularly meet for the primary purpose of sharing a religious perspective (hereinafter referred to as a religious assembly).

b. The Assemblies List shall be compiled by using reasonable efforts, including research from the Internet, to identify all "churches," "synagogues," "congregations," "temples," "mosques" or other religious assemblies in the Town of Greece. All religious assemblies with an established presence in the Town of Greece are eligible to be included in the Assemblies List, and any such religious assembly can confirm its inclusion by specific written request to the Clerk.

c. The policy is intended to be and shall be applied in a way that is all-inclusive of every diverse religious assembly serving the citizens of the Town of Greece. The Assembly List is compiled and used for purposes of logistics, efficiency, and equal opportunity for all of the community's religious leaders, who may themselves choose whether to respond to the Town Board's invitation and participate. Should a question arise as to the authenticity of a religious assembly, the Clerk 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 any religious assembly located outside the Town of Greece if such assembly is regularly attended by at least one resident of the Town of Greece and such resident requests inclusion of the assembly by specific written communication to the Clerk.

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

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f. On or about December 1 of each calendar year, the Clerk shall mail an invitation addressed to the "religious leader" of each entry on the Assemblies List.

g. 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:

Dear Religious Leader,

The Town Board of the Town of Greece makes it a policy to invite members of the clergy or religious representatives in the Town of Greece to voluntarily offer an invocation before the beginning of its meetings, for the benefit and blessing of the Town Board. As a representative of one of the religious congregations with an established presence serving the local community you are eligible to offer this important service at an upcoming meeting of the Town Board.

If you are willing to assist the Town Board in this regard, please send a written reply at your earliest convenience to the Clerk to the Town Board at the address included on this letterhead. Representatives are scheduled on a first-come, first-serve basis. The anticipated dates of the Town Board's scheduled meetings for the upcoming year are listed on the following, attached page. 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, the Town Board requests only that the opportunity not be exploited as an effort to convert others to the particular faith of the invocation speaker or to disparage any faith or belief different than that of the invocation speaker.

On behalf of the Town Board of the Town of Greece, I thank you in advance for considering this invitation.

*Sincerely,
Clerk to the Town Board*

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

i. In the event an eligible representative of an Assembly serving the local community believes that the clerk has not complied with the terms of this policy, the representative has the right to have the matter reviewed by the Town Board.

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5. No invocation speaker shall receive compensation for his or her service.
6. No guidelines or limitations shall be issued regarding an invocation's content, except that the Town 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.
7. The Clerk shall make every reasonable effort to ensure that a variety of eligible invocation speakers are scheduled for the Town Board's meetings.
8. Neither the Town Board 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.
9. This policy is not intended, and shall not be implemented or construed in any way, to affiliate the Town Board with, nor express the Town Board's preference for, any faith or religious denomination. Rather, this policy is intended to acknowledge and express the Town Board's respect for the diversity of religious denominations and faiths represented and practiced among the citizens of the Town of Greece.

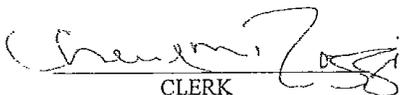
NOW, THEREFORE, BE IT FURTHER RESOLVED that this policy shall become effective immediately upon adoption by the Town Board.

THUS INTRODUCED at the regular meeting of the Town Board of Town of Greece, New York, on August 19, 2014.

For: 5

Against: 0

THUS ADOPTED at the regular meeting of the Town Board of Town of Greece, New York, on August 19, 2014.


CLERK


TOWN SUPERVISOR

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RESOLUTION NO. 2012-11

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHINO, CALIFORNIA, ESTABLISHING A POLICY REGARDING INVOCATIONS AT MEETINGS OF THE CITY COUNCIL OF THE CITY OF CHINO

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

WHEREAS, legislative bodies in America have long maintained a tradition of solemnizing proceedings by allowing for an opening prayer before each meeting, for the benefit and blessing of the legislative bodies; and

WHEREAS, since the incorporation of the City, the City Council has followed a practice of selecting a member of local clergy to provide invocations at City Council meetings; and

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

WHEREAS, such prayer before deliberative public bodies has been consistently upheld as constitutional by American courts, including the United States Supreme Court; and

WHEREAS, in Marsh v. Chambers, 463 U.S. 783 (1983), the United States Supreme Court rejected a challenge to the Nebraska Legislature's practice of opening each day of its sessions with a prayer by a chaplain paid with taxpayer dollars, and specifically 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." *Id.*, at 786; and

WHEREAS, the Supreme Court further held, "To invoke divine guidance on a public body ... 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 country." *Id.*, at 792; and

WHEREAS, the Supreme Court affirmed in Lynch v. Donnelly, 465 U.S. 668 (1984), "Our history is replete with official references to the value and invocation of Divine guidance in deliberations and pronouncements of the Founding Fathers and contemporary leaders." *Id.*, at 675; and

WHEREAS, the Supreme Court further stated, "Those government acknowledgments of religion serve, in the only ways reasonably possible in our culture, the legitimate secular purposes of solemnizing public occasions, expressing confidence in the future, and encouraging the recognition of what is worthy of appreciation in society. For that reason, and because of their history and ubiquity, those practices are not understood as conveying government approval of particular religious beliefs." *Id.*, at 693 (O'Connor, J., concurring); and

WHEREAS, the Supreme Court also famously observed in Zorach v. Clauson, 343 U.S. 306 (1952), "We are a religious people whose institutions presuppose a Supreme Being." *Id.*, at 313-14; and

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WHEREAS, the Supreme Court acknowledged in Holy Trinity Church v. United States, 143 U.S. 457 (1892), that the American people have long followed a "custom of opening sessions of all deliberative bodies and most conventions with prayer ...," *Id.*, at 471; 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 Supreme Court also proclaimed that it should not be the job of the courts or deliberative public bodies "to embark on a sensitive evaluation or to parse the content of a particular prayer" offered before a deliberative public body. *Id.*; and

WHEREAS, the Supreme Court has counseled against the efforts of government officials to affirmatively screen, censor, prescribe and/or proscribe the specific content of public prayers offered by private speakers, as such government efforts would violate the First Amendment rights of those speakers. See, e.g., Lee v. Weisman, 505 U.S. 577, 588-589 (1992); and

WHEREAS, the City Council intends, and has intended in past practice, to adopt a policy that upholds an individual's "free exercise" rights under the First Amendment; and

WHEREAS, the Supreme Court has repeatedly clarified that "there is a crucial difference between government speech endorsing religion, which the Establishment Clause forbids, and private speech endorsing religion, which the Free Speech and Free Exercise Clauses protect." Bd. of Educ. of Westside Community Schools v. Mergens, 496 U.S. 226, 250 (1990); and

WHEREAS, the City Council intends, and has intended in past practice, to adopt a policy that does not proselytize or advance any faith, or show any purposeful preference of one religious view to the exclusion of others; and

WHEREAS, this policy set forth below has been approved by two federal courts in the cases of Pelphrey v. Cobb County (11th Cir. 2008) 547 F.3d 1263 and Rubin v. City of Lancaster (2011) 802 F.Supp.2d 1107; and

WHEREAS, the City Council recognizes its constitutional duty to interpret, construe, and amend its policies and ordinances to comply with constitutional requirements as they are announced.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Chino, California, that the City Council does hereby adopt and establish the following written policy regarding opening invocations before meetings of the City Council:

1. In order to solemnize proceedings of the City Council, it is the policy of the City Council to allow for an invocation or prayer to be offered at its meetings for the benefit of the City Council and the community.
2. The prayer shall not be listed or recognized as an agenda item for the meeting so that it may be clear the prayer is not considered a part of the public business.

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3. No member of the City Council or City employee or any other person in attendance at the meeting shall be required to participate in any prayer that is offered.

4. The prayer shall be voluntarily delivered by an eligible member of the clergy or a religious leader in the City of Chino. To ensure that such person (the "invocational speaker") is selected from among a wide pool of the City's clergy/religious leaders, on a rotating basis, the invocational speaker shall be selected according to the following procedure:

a. The City Clerk shall compile and maintain a database (the "Congregations List") of the religious congregations with an established presence in the City of Chino.

b. The Congregations List shall be compiled by referencing the listing for "churches," "congregations," or other religious assemblies in the annual Yellow Pages telephone directory or directories published for the City of Chino, research from the Internet, and consultation with local chambers of commerce. All churches, congregations or other religious assemblies with an established presence in the City of Chino are eligible to be included in the Congregations List, and any such church, congregation or religious assembly can confirm its inclusion by specific written request to the Clerk.

c. The Congregations List shall also include the name and contact information of any chaplain who may serve one or more of the fire departments or law enforcement agencies of the City of Chino or any nearby military facilities.

d. The Congregations List shall be updated, by reasonable efforts of the City Clerk, in November of each calendar year.

e. Within thirty (30) days of the effective date of this policy, and on or about December 1 of each calendar year thereafter, the City Clerk shall mail an invitation addressed to the "religious leader" of each church, congregation or religious assembly listed on the Congregations List, as well as to the individual chaplains included on the Congregations List.

f. The invitation shall be dated at the top of the page, signed by the City Clerk at the bottom of the page, and read as follows:

Dear religious leader,

The City Council makes it a policy to invite members of the clergy in the City of Chino to voluntarily offer a prayer before the beginning of its meetings, for the benefit and blessing of the City Council. As the leader of one of the religious congregations with an established presence in the local community of the City of Chino, or in your capacity as a chaplain for one of the fire departments or law enforcement agencies of the City of Chino, you are eligible to offer this important service at an upcoming meeting of the City Council.

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

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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 City Council requests only that the prayer opportunity not be exploited as an effort to convert others to the particular faith of the invocational speaker, nor to disparage any faith or belief different from that of the invocational speaker.

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

*Sincerely,
City Clerk*

g. Consistent with paragraph 7 hereof and, as the invitation letter indicates, the respondents to the invitation shall be scheduled on a first-come, first-served, or other random basis to deliver the prayers.

h. If the selected invocational speaker does not appear at the scheduled meeting, the Mayor may ask for a volunteer from among the Council or the audience to deliver the invocation.

i. The City Clerk shall post the following information on the City's webpage: (i) this resolution, (ii) the Congregation List and (iii) the invitation set forth herein to churches, congregations and religious associations in the City of Chino.

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

6. The City Clerk shall make every reasonable effort to ensure that a variety of eligible invocational speakers are scheduled for the City Council meetings. In any event, no invocational speaker shall be scheduled to offer a prayer at consecutive meetings of the City Council or at more than three (3) City Council meetings in any calendar year.

7. Neither the City Council nor the City Clerk shall engage in any prior inquiry, review of, or involvement in, the content of any prayer to be offered by an invocational speaker.

8. This policy shall apply to all Commissions of the City of Chino.

9. Shortly before the opening gavel that officially begins the meeting, the Mayor or presiding officer of a commission shall introduce the invocational speaker and the person selected to recite the Pledge of Allegiance following the invocation and invite only those persons who wish to do so to stand for those observances with the City Council.

10. This policy is not intended, and shall not be implemented or construed in any way, to affiliate the City Council with, nor express the City Council's preference for, any faith or religious denomination. Rather, this policy is intended to acknowledge and express the City Council's respect for the diversity of religious denominations and faiths represented and practiced among the citizens of Chino.

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NOW, THEREFORE, BE IT FURTHER RESOLVED that this policy shall become effective immediately upon approval by the City Council of the City of Chino, California.

APPROVED AND ADOPTED THIS 20TH DAY OF MARCH 2012.

DENNIS R. YATES, MAYOR

ATTEST:

ANGELA ROBLES, CITY CLERK

State of California)
County of San Bernardino) §
City of Chino)

I, Angela Robles, City Clerk of the City of Chino, do hereby certify the foregoing Resolution was duly adopted by the Chino City Council at a regular meeting held on the 20th day of March 2012, by the following votes:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ANGELA ROBLES, CITY CLERK

Official Minutes of the Council Meeting of Tuesday, July 5, 2016

NOW THEREFORE, BE IT RESOLVED BY THE City of Poughkeepsie Common Council that the Common Council hereby adopts the following written policy regarding opening invocations before meetings of the Common Council, to wit:

1. It is the intent of the Common Council to allow a private citizen to solemnize the proceedings of the City of Poughkeepsie Common Council. It is the policy of the Common 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 the Common Council.
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.
3. No member or employee of the Common Council or any other person in attendance at the 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 Common Council.
4. The invocation shall be voluntarily delivered by an eligible member of the clergy or appointed representative of an organization from the Common Council's Assemblies List. To insure 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. The City Chamberlain shall cause a database to be compiled and maintained (the "Assemblies List") of the assemblies and organizations with an established presence in Poughkeepsie and Dutchess County that regularly meet for the primary purpose of sharing a religious perspective or exist for the betterment of the City and its inhabitants (hereinafter referred to as benevolent organizations).
 - b. The Assemblies List shall be compiled from all available sources including suggestions from common council members, 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 Common Council.
 - 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 Poughkeepsie and Dutchess County, irrespective of religious or irreligious affiliation. The Assembly 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 Common Council's invitation and participate. Should a question arise as to the authenticity of a benevolent organization, the City Chamberlain 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 the fire department, police department or military organizations within the City and County.
- e. The Assemblies List shall be updated, by reasonable efforts of the City Chamberlain, by December 15 or 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 City Chamberlain shall publish a notice in the City's official newspaper and shall post a notice in the bulletin board outside of the Common Council chambers which shall read:

CITY OF POUGHKEEPSIE COMMON COUNCIL'S INVOCATION POLICY

The City of Poughkeepsie Common Council makes it a policy to invite members of the clergy, religious representatives and representatives of other benevolent organizations in Poughkeepsie and Dutchess County to voluntarily offer an invocation before the beginning of its meetings, for the benefit, blessing, wisdom and guidance of the Common Council. Any leader of a religious congregation or representative of a benevolent organization with an established presence in the local community, any chaplain for the fire department, police department or military units, are eligible to offer this important service at an upcoming meeting of the Common Council.

Any organization or individual willing to assist the Common Council in this regard, please send a written request at your earliest convenience to the City Chamberlain, City Hall, 62 Civic Center Plaza, Poughkeepsie, New York 12601. Persons delivering the invocation 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 city's website. 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 Council 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.

- CITY OF POUGHKEEPSIE CITY CHAMBERLAIN

- 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 City Chamberlain has not complied with the terms of this policy, the clergy member has the right to have the matter reviewed by the Common Council.
5. No invocation speaker shall receive compensation for his or her services.

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

7. The City Chamberlain shall make every reasonable effort to ensure that a variety of eligible invocation speakers are scheduled for the Common Council meetings. In any event, no invocation speaker shall be scheduled to offer an invocation at consecutive meetings of the Common Council, or at more than three (3) Common Council meetings in any calendar year. Should there be no requests or not enough sufficient requests to give the invocation at any of the twenty-four (24) bi-monthly meetings of the Common Council, the City Administrator shall cause persons to be invited on a random basis.

8. Neither the Common Council nor the City Chamberlain shall engage in any prior inquiry, review of, or involvement in, the content of any invocation to be offered by an invocation speaker.

9. To clarify the Common Council's intentions, as stated herein above, the following disclaimer shall read aloud prior to the introduction of the invocation speaker:

"Any invocation that may be offered before the official start of the Common Council meeting shall be the voluntary offering of a private citizen, to and for the benefit of the Common Council. The views or beliefs expressed by the invocation speaker have not been previously reviewed or approved by the Common Council and do not necessarily represent the religious beliefs or vies of the Common Council 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 Common 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 City Chamberlain of the City of Poughkeepsie."

10. Shortly after the opening gavel that officially begins the meeting and the agenda/business of the public, the Chairperson of the Common Council shall introduce the invocation speaker and invite only those who wish to show respect for the traditional observances and/or the Common Council to stand.

11. 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 faith or religious denomination. Rather, this policy is intended to acknowledge and express the Common Council's respect for the diversity of religious denominations and faiths represented and practiced among the citizens in Poughkeepsie.

NOW, THEREFORE, BE IT FURTHER RESOLVED that this policy shall become effective immediately upon adoption by the Common Council.

3. FROM MARQUE GREENE, a notice of personal injury sustained on October 15, 2015. Referred to Corporation Counsel

4. **FROM BECKY TECK**, a notice of personal injuries sustained on April 2, 2016.
Referred to Corporation Counsel

X. NEW BUSINESS:

XI. ADJOURNMENT:

A motion was made by Councilmember Hermann and Councilmember Johnson to adjourn the meeting at 8:25 p.m.

Dated: August 16, 2016

I hereby certify that this true and correct copy of the Minutes of the Common Council Meeting held on Tuesday, July 5, 2016

Respectfully submitted,

**Deanne L. Flynn
City Chamberlain**

