

**ORDINANCE NO. 2019-03**

**AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO COUNCIL MEETING PROCEDURES; PROVIDING FOR AN INVOCATION AT THE BEGINNING OF COUNCIL MEETINGS; PROVIDING FOR ORDINANCES IN CONFLICT, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE. (Sponsored by Mayor Karyn Cunningham)**

**WHEREAS**, the Village Council wishes to solemnize its proceedings by allowing for an opening invocation at each meeting; and

**WHEREAS**, such invocations at the opening of deliberative public bodies has been consistently upheld by courts, including the US Supreme Court; and

**WHEREAS**, the United States Supreme Court, in Marsh v. Chambers, 463 U.S. 783 (1983), ruled that the opening of legislative and other public deliberative bodies with prayer is deeply embedded in the history and tradition of this country. From colonial times to 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 content of the invocation is not of legal concern, if the invocation opportunity is not consistently exploited to proselytize or advance any one, or to disparage any other, faith or belief, so that uncensored religious invocations are not unconstitutional.

**NOW, THEREFORE, BE IT ENACTED BY THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, AS FOLLOWS:**

**Section 1. Code Amendment.** Article II, Council, Division 2, Meetings, Section 2-47(a)(1), is hereby amended as follows:

1           “(a)(1) Call to order, roll call, invocation, and pledge of allegiance, in  
2 that order.

3  
4           **Section 2. Selection of Invocation Presenters.** The Council  
5 understands that the Mayor will select invocation presenters, or may  
6 delegate such selection to an appropriate individual, and the advice and  
7 recommendations of Council Members will be taken into consideration in  
8 this regard.

9  
10           **Section 3. Disclaimer on Council Agenda.** The Clerk shall  
11 include the following statement on the Council meeting agenda in at least  
12 10-point type: “Any invocation that may be offered at a Council meeting is  
13 the voluntary offering of a private citizen or member of the clergy. The  
14 views or beliefs expressed by the invocation presenter have not been  
15 previously reviewed or approved by the Council or its representative. The  
16 Council does not endorse (and is not permitted by law to endorse) the  
17 religious beliefs or views of the invocation presenter or any other person.”

18  
19           **Section 4. Conflicting Provisions.** The provisions of the Code of  
20 Ordinances of the Village of Palmetto Bay, Florida and all ordinances or  
21 parts of ordinances in conflict with the provisions of this ordinance are  
22 hereby repealed.

23  
24           **Section 5. Severability.** The provisions of this Ordinance are  
25 declared to be severable, and if any sentence, section, clause or phrase  
26 of this Ordinance shall, for any reason, be held to be invalid or  
27 unconstitutional, such decision shall not affect the validity of the remaining  
28 sentences, sections, clauses or phrases of the Ordinance, but they shall  
29 remain in effect it being the legislative intent that this Ordinance shall stand  
30 notwithstanding the invalidity of any part.

31  
32           **Section 6. Codification.** It is the intention of the Village Council  
33 and it is hereby ordained the provisions of this Ordinance shall become  
34 and be made part of the Code of Ordinances of the Village of Palmetto  
35 Bay, Florida, that sections of this Ordinance may be renumbered or re-  
36 lettered to accomplish such intentions, and that the word “Ordinance” shall  
37 be changed to “Section” or other appropriate word.

**Section 7. Effective Date.** This Ordinance shall take effect immediately upon enactment of Second Reading.

First Reading: February 4, 2019

Second Reading: March 18, 2019

**PASSED and ENACTED** this 18<sup>th</sup> day of March 2019.

Attest: DocuSigned by:  
*Missy Arocha*  
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Missy Arocha  
Village Clerk

DocuSigned by:  
*Karyn Cunningham*  
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Karyn Cunningham  
Mayor

**APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE USE AND RELIANCE OF THE VILLAGE OF PALMETTO BAY ONLY:**

DocuSigned by:  
*Dexter W. Lehtinen*  
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Dexter W. Lehtinen  
Village Attorney

**FINAL VOTE AT ADOPTION:**

- Council Member Patrick Fiore YES
- Council Member David Singer YES
- Council Member Marsha Matson NO
- Vice-Mayor John DuBois YES
- Mayor Karyn Cunningham YES