

# ***San Geronio Pass Water Agency***

**DATE:** March 18, 2024  
**TO:** Board of Directors  
**FROM:** Best Best & Krieger LLP  
**SUBJECT: PROPOSED INVOCATION POLICY**

## **RECOMMENDATION**

It is recommended that the Board of Directors adopt the proposed Invocation Policy (the “Proposed Policy”).

## **BACKGROUND**

In its decision in *Town of Greece, N.Y. v. Galloway* (2014) 572 U.S. 565, the United States Supreme Court held that prayer at the beginning of a legislative meeting did not violate the Establishment Clause of the United States Constitution. The Court held that both sectarian and nonsectarian prayer is allowed, citing the long history of legislative prayer in the United States of America, and provided guidelines for public agencies seeking to allow prayer at the beginning of their legislative sessions.

Generally, a prayer or invocation to open a legislative meeting must not proselytize, advance, or disparage a faith or religion, or affiliate government with a particular faith, nor may the public agency exclude or deny any religious affiliation the opportunity to offer a prayer or invocation. Prayer should be given during the ceremonial portion of a meeting at the beginning of a legislative session, rather than during a policymaking portion, in a solemn and respectful tone for the purpose of lending gravity to the occasion. To achieve these ends, the Ninth Circuit Court of Appeals in *Rubin v. City of Lancaster* (9th Cir. 2013) 710 F.3d 1087 recommended that legislative bodies should not, as part of their prayer practices, direct the public to participate, refuse any request to offer a prayer, or indicate decisions might be influenced by acquiescence to a prayer opportunity.

The Board previously adopted its current Invocation Policy (the “Current Policy”) on March 6, 2017.

## **ANALYSIS**

SGPWA’s Current Policy and practice of legislative prayer satisfies the requirements of *Town of Greece* and *Rubin*. However, the Current Policy could be strengthened by revising existing language to be more facially inclusive and adding language expressly stating that members of the audience, staff, and Directors are not required to participate in any prayer or invocation.

**FISCAL IMPACT**

None.

**ACTION**

Adopt the Proposed Policy.

**ATTACHMENTS**

1. San Geronio Pass Water Agency's Invocation Policy

# SAN GORGONIO WATER PASS AGENCY

## INVOCATION POLICY

**March 18, 2024**

Pursuant to the following rules, an invocation shall be permitted at the beginning of each meeting of the Board of Directors of the San Gorgonio Pass Water Agency (“SGPWA”) immediately preceding the flag salute.

**I. Time Limit:** The invocation shall be limited to three minutes.

**II. Speakers:** Clergy, religious leaders, SGPWA Directors, SGPWA Staff, or other persons may open a legislative session of the SGPWA with an invocation so long as it is respectful, neutral, and does not disparage any other faith or belief.

**III. Rules for Opening Invocation at San Gorgonio Pass Water Agency:** In addition to the requirements of Sections I and II of this Policy, invocations offered at the opening of a SGPWA Board meeting shall adhere to the following guidelines:

- a. The invocation shall be respectful in tone and invite the SGPWA Directors and Staff to reflect upon shared ideals and common ends before embarking on their business.
- b. The invocation shall not be used as an opportunity to preach or argue on behalf of or against a particular religious faith.
- c. The invocation shall not be used as an opportunity to lobby or argue on behalf of or against a particular Board-related issue.
- d. The invocation may call on God on behalf of those present, but speakers shall be free to offer the invocation according to the dictates of their own conscience.
- e. No member of the Board, Staff, or any person in attendance at the meeting shall be required to participate in any invocation that is offered.

Adopted by the Board of Directors on March 18, 2024, by a vote of \_\_\_\_\_.

Adopted March 18, 2024.

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Mickey Valdivia, President  
San Gorgonio Pass Water Agency