

AGENDA ACTION ITEM



Public Comment

SIGN IN SHEET

June 3, 2014

6:00 PM

AGENDA ACTION ITEMS: Council will hear public comment during this portion of the meeting for Agenda Action Items on today's agenda only. Agenda Action Items are defined as Administrator Report Items, Ordinances, Resolutions, Proclamations, Action Items, advertised Old Business item, advertised New Business item and Recommendations from Committee ONLY. Combined the two Public Comment Sessions at this meeting are limited to a total of 40 minutes, 4 minutes per person.

Please be advised that citizens not utilizing their full four [4] minutes may not "donate" their remaining time to another speaker. As stated above, each speaker is restricted to a maximum of four [4] minutes.

Citizens failing to PRINT or list the specific **AGENDA ACTION ITEM** will not be called upon to address Council during this portion of the meeting.

	FULL NAME	AGENDA ACTION ITEM
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None

Everyone speaking before Council will be required to do so in a civil manner. Council will not tolerate personal attacks on individual council members, county staff or any person or group. Racial slurs will not be permitted. Council's number one priority is to conduct business for the citizens of this county. All citizens who wish to address Council and all Boards and Commission appointed by Council should do so in an appropriate manner.

**Appalachian Council of Governments
Services to Oconee County**

	presented at 2/19/13 Council Meeting	presented at 3/19/14 council meeting
<u>Return on Investment</u>	<u>2012</u>	<u>2013</u>
Investment	\$ 27,951	\$ 27,951
Projected Return	\$ 4,345,132	\$ 3,200,448
Return on Investment Ratio	\$155 to \$1	\$115 to \$1
 <u>Components of Funding Through ACOG to Oconee County</u>		
Rural Transportation System Improvement Funds	\$ 1,840,000	\$0
Federal Direct Grants	\$ 500,000 *	\$ 1,387,747**
Workforce Training	\$ 829,600	\$ 578,725
ACOG Small Business & Entrepreneurial Loan Program	\$ 320,000	\$ 360,000
Private Capital Resulting from Loans	\$ 512,000 ^	\$ 540,000^^
Services to Seniors	\$ 293,542	\$ 283,976
Transit	<u>\$ 50,000</u>	<u>\$ 50,000</u>
TOTALS:	\$ 4,345,142	\$ 3,200,448

* \$500,000 ARC - Oconee County Highway 11 Sewer Line Project

** \$500,000 ARC - Golden Comer Commerce Park Pump Station

\$387,747 CDBG - Walhalla Chicopee Mill Water Project, Phase II

\$500,000 Walhalla Downtown Improvements/Streetscape Project

^ In addition to capital investment, loans created 12 new jobs in Oconee County.

^^ In addition to capital investment, loans created 14 new jobs in Oconee County.

Summary of Grants

Oconee County Departments reported receiving a total of \$7,376,987.01 in grants during 2010-2014, with the number and total amounts awarded shown below:

<u>Department</u>	<u>Number of Grants</u>	<u>Total Amount</u>
Economic Development	7	\$771,000.00
Airport	3	\$3,232,172.00
Roads & Bridges	9	\$2,295,639.00
Emergency Management	16	\$580,966.80
Solid Waste	11	\$140,765.00
Parks, Recreation & Tourism	6	\$356,444.21

The following elected officials reported receiving a total of \$328,678.00 in grant funding during 2010-2014:

<u>Elected Official</u>	<u>Number of Grants</u>	<u>Total Amount</u>
Auditor	1	\$1,691.00
Coroner	1	\$14,500.00
Sheriff	*16	\$312,487.00

*Note: 5 Law Enforcement Network Grant awards were shared among other agencies

Several other grants involving outside agencies were also awarded to Oconee County during this period, including \$1,000,000 in infrastructure funds through the assistance of ACOG, and a \$15,000 grant obtained by Senior Solutions and provided to the County for facility upgrades at the county-owned Lakeview Assisted Living Facility.

In total, Oconee County has received **\$8,720,665.01 in grant funding since 2010**, with another \$363,809.24 pending. Of the grants awarded to date, **\$3,412,890.01 came from state sources**, **\$4,999,531.00 came from federal sources**, and an additional **\$308,244.00 was provided from private sources**.

A listing of the grants received by Oconee County in the years 2010-2014 is attached.

Grants Awarded to Individual County Departments and Elected Officials 2010-2014

Number	Year	Recipient Department	Grant Description	Amount	Source
1	2010	Alpine	Alpine Improvement Program Grant: Runway	\$1,014,833.00	Federal/State
2	2010	Alpine	Alpine Improvement Program Grant: Runway	\$600,000.00	Federal/State
3	2011	Alpine	SL DDA Funding	\$117,355.00	Federal/State
4	2010	Avondale	Rehanna Prize	\$1,000.00	State
5	2011	Conover	SC DREC	\$34,000.00	State
6	2011	Economic Development	Build Infrastructure Fund	\$40,000.00	Federal/State
7	2011	Economic Development	SC DDC - Project Warm	\$200,000.00	State
8	2011	Economic Development	SC DDC - Project GDM	\$mmmm.00	State
9	2012	Economic Development	SC DDC - Project Myco	\$100,000.00	State
10	2010	Economic Development	SC DDC - Project May	\$200,000.00	State
11	2011	Economic Development	Allyou're yours	\$200,000.00	State
12	2012	Economic Development	SC DDC - QTY Site Cont Estimation	\$0,000.00	State
13	2010	Emergency Management	Local Emergency Mgt. Preparedness Grant	\$61,233.00	Federal
14	2010	Emergency Management	Local Emergency Mgt. Preparedness Grant (Supplemental)	\$11,700.00	Federal
15	2011	Emergency Management	Local Emergency Mgt. Preparedness Grant	\$00,000.00	Federal
16	2011	Emergency Management	Local Emergency Mgt. Preparedness Grant (Supplemental)	\$0,000.00	Federal
17	2012	Emergency Management	Local Emergency Mgt. Preparedness Grant	\$00,233.00	Federal
18	2013	Emergency Management	Local Emergency Mgt. Preparedness Grant (Supplemental)	\$0,000.00	Federal
19	2013	Emergency Management	Local Emergency Mgt. Preparedness Grant	\$00,000.00	Federal
20	2012	Emergency Management	Communication Enhancement Grant	\$1,500.00	State
21	2012	Emergency Management	Communication Enhancement Grant	\$888.00	State
22	2012	Emergency Management	Communication Enhancement Grant	\$375.52	State
23	2013	Emergency Management	Communication Enhancement Grant	\$853.70	State
24	2011	Emergency Management	Community Emergency Response Team	\$0,000.00	Federal
25	2010	Emergency Management	Duke Energy Grant Aid	\$04,000.00	Private
26	2011	Emergency Management	Duke Energy Grant Aid	\$04,000.00	Private
27	2012	Emergency Management	Duke Energy Grant Aid	\$07,000.00	Private
28	2013	Emergency Management	Duke Energy Grant Aid	\$07,000.00	Private
29	2010	721	Parks and Recreation Development Fund Grant	\$15,000.00	State
30	2011	721	Parks and Recreation Development Fund Grant	\$13,776.23	State
31	2011	721	SC National Heritage Corridor Grant	\$7,000.00	State
32	2012	721	SC DNR Grant	\$mm,000.00	Federal/State
33	2012	721	SC National Heritage Corridor Grant	\$5,000.00	State
34	2011	721	Parks and Recreation Development Fund Grant	\$0,166.00	State
35	2010	Roads & Bridges	C Funds Grant	\$144,000.00	State
36	2010	Roads & Bridges	C Funds	\$304,000.00	State
37	2011	Roads & Bridges	C Funds	\$320,000.00	State
38	2012	Roads & Bridges	C Funds	\$400,000.00	State
39	2012	Roads & Bridges	C Funds, Local	\$200,000.00	State
40	2013	Roads & Bridges	C Funds	\$202,000.00	State
41	2013	Roads & Bridges	Local Bridge Rehabilitation	\$100,000.00	Federal
42	2014	Roads & Bridges	C Funds	\$00,000.00	State
43	2014	Roads & Bridges	Local Bridge Rehabilitation	\$00,000.00	Federal
44	2010	Sherrif	Law Enforcement Merit Grant (Shared)	\$75,000.00	Federal
45	2010	Sherrif	Victims Against Women Act Grant	\$10,073.00	Federal
46	2010	Sherrif	Crime Victim Services	\$5,000.00	Federal
47	2010	Sherrif	Edward Byrne Memorial Grant	\$05,488.00	Federal
48	2011	Sherrif	Law Enforcement Merit Grant (Shared)	\$16,000.00	Federal
49	2011	Sherrif	Edward Byrne Memorial Grant	\$05,200.00	Federal
50	2012	Sherrif	Law Enforcement Merit Grant (Shared)	\$18,000.00	Federal
51	2012	Sherrif	Edward Byrne Memorial Grant	\$23,470.00	Federal
52	2013	Sherrif	Law Enforcement Merit Grant (Shared)	\$10,000.00	Federal
53	2013	Sherrif	SC DNR Water Technology Resources Grant	\$40,000.00	State
54	2013	Sherrif	ACT 68 Services (SC Dept. of Alcohol and Drug Abuse)	\$1,456.00	State
55	2013	Sherrif	Edward Byrne Memorial Grant	\$11,000.00	Federal
56	2014	Sherrif	Law Enforcement Merit Grant (Shared)	\$10,000.00	Federal
57	2014	Sherrif	REI Initiatives (SC Dept. of Alcohol and Drug Abuse)	\$000.00	State
58	2014	Sherrif	Paternal Pride - Enforcement Grant	\$1,000.00	State
59	2010	Sherrif	Edward Byrne Memorial Grant	\$11,515.00	Federal
60	2010	Solid Waste	Used Oil Grant	\$26,000.00	State
61	2010	Solid Waste	Waste Tire Grant	\$1,000.00	State
62	2011	Solid Waste	Used Oil Grant	\$11,150.00	State
63	2011	Solid Waste	Waste Tire Grant	\$04,000.00	State
64	2012	Solid Waste	Solid Waste Grant	\$5,000.00	State
65	2012	Solid Waste	Used Oil Grant	\$0,750.00	State
66	2013	Solid Waste	Waste Tire Grant	\$17,700.00	State
67	2014	Solid Waste	Solid Waste Grant	\$0,000.00	State
68	2014	Solid Waste	Used Oil Grant	\$0,750.00	State
69	2014	Solid Waste	Waste Tire Grant	\$2,750.00	State
70	2014	Solid Waste	Paternal Pride Grant	\$1,000.00	State
71	2014	Solid Waste	Paternal Pride Grant	\$1,000.00	State

Total Departmental and Elected Official Grants \$7,705,665.01

Number	Year	Recipient	Grant Description	Amount	Source
1	2013	Oconee County (Submitted by ADEG)	ARC Grant for WCP Sewer Pump Station	\$500,000.00	Federal
2	2013	Oconee County (Submitted by ADEG)	ARC Grant for Hwy 11 Sewer Line Project	\$500,000.00	Federal
3	2014	Oconee County	Watershed Grant (for Lakeview Park and Utility Repairs)	\$15,000.00	Federal/State

Total Other Grants \$1,015,000.00

Total All Grants \$8,720,665.01



OCONEE COUNTY COUNCIL
ABSTENTION FORM

Council Member Name: _____

PAUL CAIN

(Please Print)

Council Member Signature: _____

Paul A. Cain

Meeting Date: _____

6/3/2014

Item for Discussion/Vote: _____

Minutes 5/20/14

Reason for Absention: _____

I was not present for original meeting/discussion

I have a personal/familial interest in the issue.

Other:

I was not elected at
this meeting.


Elizabeth G. Hulse
Clerk to Council

[This form to be filed as part of the permanent record of the meeting.]



OCONEE COUNTY SHERIFF'S OFFICE

415 SOUTH PINE STREET
WALHALLA, SC 29691

Mike Crenshaw, Sheriff

Drug Prevention Program

My budget request this year included three new positions to address drug prevention along with specialized enforcement efforts. I realize the costs involved and understand in dealing with the county as a whole, cuts had to be made.

However, I want you to understand we are on a slippery slope when it comes to the war on drugs. The Sheriff's Office has increased our enforcement efforts, but it is my belief that we will keep spinning our wheels unless we address the prevention and treatment aspect of this problem.

Our school resource officers have started teaching our middle and high school students about the dangers of drug use and the importance of making good decisions in life. One area of concern is the elementary age students. I ask you to consider a proposal that I'm convinced is a worthwhile investment in the youth of our county. I have talked with the school district concerning at risk elementary age students. The district would work with us to identify children based on criteria such as discipline problems, attendance issues, poor grades, and in some cases socio-economic issues. We would work out a schedule where a deputy would begin mentoring and earning the trust of these students. They would learn that somebody cares about them and their future. It is a known fact that kids are attracted to gangs because they believe somebody cares about them and they can be part of a so called family. This position would talk with them about the choices they make and educate them on the dangers of drug use, gang affiliation, and domestic violence. During the summer months, we would sponsor things such as a fishing trip, basketball camp, or bring them to the Sheriff's Office for a week. If we will start reaching out to this age group now, it will allow the middle and high school resource officers the opportunity to continue a positive influence instead of trying to begin this process. A secondary benefit of funding this program would be school safety. We would be increasing law enforcement presence at all of our elementary schools.

Oconee County has approximately 10,000 students in our public schools. We must start our prevention efforts with this population in order to even have a chance at being successful in the war on drugs.

I have talked with a group of students on two occasions this year. I could see a difference between my first and second visit. Given a whole school year, I am convinced law enforcement can make a difference in their life. The school district has sent a letter of support for this project. I have also included an email that we recently received from a parent of an elementary age student. I currently have a deputy that volunteers occasionally at a couple of our elementary schools. I have taken the names out of the email to protect their identity, but this serves as further evidence that a program of this nature will indeed be successful.

Cost

Corporal- School Resource Officer -	37,318
Fringe, etc. -	8,984
	<hr/>
	46,302
Vehicle cost-	26,646
Ford or Chevrolet SUV	
Police Package	
Vehicle Equipment Cost-	4,000
	<hr/>
	30,646
Summer Programs Cost-	3,000
Total Costs-	\$79,948.00

Michael L. Crenshaw

From: Michael L. Crenshaw
Sent: Monday, June 02, 2014 6:27 PM
To: Michael L. Crenshaw
Subject: FW: Notice

This is an actual email that my Chief Deputy recently received concerning the positive influence law enforcement can have over a period of time. I have left a blank in the email that referenced the actual names and locations to protect the identity of this family.

Mr. Davis,

I wanted to email you regarding a deputy that has made an impact in my children's lives and in mine. I am a mother of ----- kids, ----- are biological and ----- are step children, and we live in ----- and my children attend ----- elementary. My oldest biological son, -----, is 8yrs old and sees his biological father every other weekend. He is not a positive influence on ----- and I have struggled as a single mother and still do. My bf and I have been together for 3 yrs and he tries to help ----- and be a positive role model but ----- still is very focused on his biological father and tries so hard to be like him. His biological father is a man who likes a lot of women, doesnt hold a job, disrespectful and talks down to me and about me and ----- unfortunately thinks that's cool cause dad is doing it. I have been in tears more than once at what to do and how I can help my son. I try so hard to tell him right from wrong and show him the quality of life he could have if he acted right. He talks back, is very rude at time, calls me an asshole(usually only when he hears dad say it), and thinks boobs n woman are "sexy and hot". Now he is 8yrs old so he doesn't even know what the word sexy even means. I have been called repeatedly at school due to his behavior and his refusal to listen. Anybody that truly knows ----- sees that he is a very sweet, tender hearted boy but he just doesn't make good choices at times. ----- started coming home talking about a Deputy Mulwee at school and the cool friend he made. After awhile, he wanted to hang out with Deputy Mulwee and be like Deputy Mulwee, and he came home one day(talking to his older step brother) and made the comment "you have to make good choices". I don't remember what they were talking about but to see his face light up when he said that you could tell he was so proud of himself. Deputy Mulwee became friends with my son last year and has kept that friendship even to this day and ----- just lights up every times he sees or talks about Deputy Mulwee. Actually my five other kids are kind of envious that ----- has such a cool cop friend :) He buys ----- lunch and goes to his school and eats with him, he stops by his classroom just to say hello, he is going to his graduation at ----- on Monday! This man has gone out of his way when he didn't have too and has made such a positive impact on my son and still does to this day. He gives ----- support and makes him feel that he is number one. Coming from a mother who was at her wits end at what to do, Deputy Mulwee is my angel and my sons. He has made a difference in my sons life and I am so grateful for him. Im a ----- at an ----- facility where I teach and show care, compassion and excellence on daily basis. Deputy Mulwee has all of those qualities and much more. He is a difference maker and I'm proud to have him in this community and in my sons life. If he isn't your highest paid employee he should be because he is your diamond in the rough. Its deputy's like Mulwee that change peoples lives and make a difference on a daily basis as he has with my son. My next email is too the mayor in addressing how Deputy's like Mulwee should be rewarded in providing excellent services and going above and beyond. Alot of Deputy Mulwee's time is spent volunteering and providing these services. Every officer swore and made an oath "To Protect and Serve" and Deputy mulwee is the very definition of these words.

I look forward to seeing great things from Deputy Mulwee and the difference he makes in my sons life, in this community and at ----- elementary.



SCHOOL DISTRICT OF OCONEE COUNTY

414 South Pine Street, Walhalla, South Carolina 29691

Phone: 864.886.4400 • Facsimile: 864.886.4408

www.oconee.k12.sc.us

May 30, 2014

To: County Council Members

The School District of Oconee County would love to work in conjunction with the Sheriff's Office to have an at-risk officer work with elementary age students. This officer could work with at-risk students and educate them about the dangers of drugs, alcohol, domestic violence, and gang involvement. Serving as a mentor to them and establishing a trusting relationship with a law enforcement officer would help them know that somebody cares about them and their future. We would identify at-risk students based on discipline issues, poor grades, poor attendance, and socio-economic issues, while setting up a schedule to work with our most needy children. By turning their lives around at such a young age will help to ensure their success as they move on to middle and high school. Please help Sheriff Crenshaw and the School District by funding this worthwhile endeavor.

Evie G Hughes

Director of Student Services, Safety and Security

**STATE OF SOUTH CAROLINA
OCONEE COUNTY
ORDINANCE 2014-15**

AN ORDINANCE TO AMEND OCONEE COUNTY ORDINANCE 2013-01, THE ORDINANCE TO ESTABLISH THE BUDGET FOR OCONEE COUNTY FOR THE FISCAL YEAR BEGINNING JULY 1ST, 2013 AND ENDING JUNE 30TH, 2014, SO AS TO AMEND THE BUDGET FOR OCONEE COUNTY'S GENERAL FUND AND THE ECONOMIC DEVELOPMENT CAPITAL PROJECTS FUND, BOTH IN OCONEE COUNTY, FOR THE FISCAL YEAR BEGINNING JULY 1, 2013 AND ENDING JUNE 30, 2014.

BE IT ORDAINED by the County Council for Oconee County, South Carolina, ("the "County Council") in accordance with the general law of the State of South Carolina and the Acts and Joint Resolutions of the South Carolina General Assembly, as follows:

Section 1

Pursuant to Section 4-9-140 of the South Carolina Code of Laws, 1976, as amended, the following amendments are hereby made to Oconee County Ordinance 2013-01 "The ordinance to establish the budget for Oconee County for the fiscal year beginning July 1st, 2013 and ending June 30th, 2014", and the following amended amounts are hereby approved and appropriated in the General Fund and Economic Development Capital Project Fund for the 2013-2014 fiscal year for Oconee County (the "County") for ordinary county purposes and for economic development purposes. All provisions of the attachments to Oconee County Ordinance 2013-01 are hereby amended to comport with the following revisions of Oconee County Ordinance 2013-01:

General Fund

Health Insurance (across all departments)	\$ (1,156,437)
Tipping Fees/MSW Disposal - Solid Waste	\$ (150,540)
Transfer to Economic Development Capital Project Fund	\$ 1,306,977
Net Change to General Fund	\$ -0-

Economic Development Capital Project Fund

Revenues & Other Financing Sources:

Economic Development Millage	\$ (100,000)
GCCP Sale of Utility Easement	\$ 29,000
Interest Earnings	\$ 20,125
ARC – Grant Sewer South (moved to FY 2015)	\$ (500,000)
ARC – Grant WHS	\$ (500,000)
Utility Tax Credits	\$ (400,000)
Transfer in – General Fund	\$ 1,306,977
Transfer from Debt Service (Pointe West Overage)	\$ 36,782
Carry Forward of Fund Balance-Cap. Projects	\$ 865,796
Budgeted Fund Balance	<u>\$ (280,247)</u>
Total Increase to Revenues and OFS	\$ 478,433

Expenditures:

Development of GCCP, Echo Hills, and Propex	\$ 154,173
Echo Hills Infrastructure	\$ 1,388,083
Transfer to Debt Service Fund	\$ (200,000)
Sewer South Lift Stations	\$ 9,484
Sewer South Force Mains	\$ (1,335,061)
GCCP Infrastructure WWTP	<u>\$ 461,754</u>
Total Increase in Authorized Expenditures	\$ 478,433

2. Should any part or provision of this Ordinance be deemed unconstitutional or unenforceable by any court of competent jurisdiction, such determination shall not affect the rest and remainder of this Ordinance, all of which is hereby deemed separable.

3. All ordinances, orders, resolutions, and actions of Oconee County Council inconsistent herewith are, to the extent of such inconsistency only, hereby repealed, revoked, and rescinded. All other terms and provisions of Oconee County Ordinance 2013-01 not revised or amended hereby, directly or by implication, remain in full force and effect.

4. This Ordinance shall take effect and be in full force and effect from and after third reading and enactment by Oconee County Council, and shall relate back to the original enactment of Oconee County Ordinance 2013-01, in terms of effect on that ordinance and the budget approved thereby.

ORDAINED in meeting, duly assembled, this ____ day of _____, 2014.

ATTEST:

Elizabeth Hulse,
Clerk to Oconee County Council

Joel Thrift,
Chairman, Oconee County Council

First Reading: May 20, 2014
Second Reading: June 3, 2013
Third Reading: _____
Public Hearing: _____

{Project Plume}

AGENDA ITEM SUMMARY
OCONEE COUNTY, SC

COUNCIL MEETING DATE: June 3, 2014
COUNCIL MEETING TIME: 6:00 PM

ITEM TITLE [Brief Statement]:

First Reading in Title Only of Ordinance 2014 – 17 "AN ORDINANCE AUTHORIZING THE EXECUTION AND DELIVERY OF A FEE IN LIEU OF TAX AGREEMENT BETWEEN OCONEE COUNTY, SOUTH CAROLINA AND PROJECT PLUME, AND OTHER MATTERS RELATING THERETO INCLUDING, WITHOUT LIMITATION, PAYMENT OF A FEE IN LIEU OF TAXES RELATED TO THE PROJECT"

BACKGROUND DESCRIPTION:

This ordinance is related to the fee-in-lieu-of-taxes agreement (FILOT) offered as part of the incentive package to PROJECT PLUME for their decision to locate within Oconee County.

This is a standard FILOT agreement and process. No other County incentives, outside of FILOT, are to be offered.

SPECIAL CONSIDERATIONS OR CONCERNS [only if applicable]:

n/a

FINANCIAL IMPACT [Brief Statement]:

Check Here if Item Previously approved in the Budget. No additional information required.

Approved by: Finance

COMPLETE THIS PORTION FOR ALL GRANT REQUESTS:

Are Matching Funds Available: Yes / No

If yes, who is matching and how much:

Approved by: Grants

ATTACHMENTS

n/a

STAFF RECOMMENDATION [Brief Statement]:

It is the staff's recommendation that council approve Ordinance 2014-17 on first reading in title only.

Submitted or Prepared By:



Department Head/Elected Official

Approved for Submittal to Council:



T. Scott Moulder, County Administrator

Council has directed that they receive their agenda packages a week prior to each Council meeting, therefore, Agenda Items Summaries must be submitted to the Administrator for his review/approval no later than 12 days prior to each Council meeting. It is the Department Head / Elected Officials responsibility to ensure that all approvals are obtained prior to submission to the Administrator for inclusion on an agenda.

A calendar with due dates marked may be obtained from the Clerk to Council.

OCONEE COUNTY COUNCIL
2014 COMMITTEE ASSIGNMENTS

EFFECTIVE February 4, 2014

[New Committee Assignments will be made after the District III Seat is elected in May 2014]

Budget, Finance & Administration:

Reg Dexter, V, Chair
Paul Corbeil, I
Wayne McCall, II
Joel Thrift, IV



Transportation:

Joel Thrift, IV, Chair
Paul Corbeil, I
Wayne McCall, II



Real Estate, Facilities & Land Management:

Reg Dexter, Chair
Paul Corbeil, I
Wayne McCall, IV



Law Enforcement, Public Safety, Health & Welfare:

Wayne McCall, II, Chair
Reg Dexter
Joel Thrift, IV



Planning & Economic Development:

Paul Corbeil, I, Chair
Joel Thrift
Reg Dexter, V



OCONEE COUNTY COUNCIL
2014 COMMITTEE ASSIGNMENTS

EFFECTIVE January 7, 2014

Budget, Finance & Administration:

Reg Dexter, V, Chair
Paul Corbeil, I
Wayne McCall, II
Archie Barron, III
Joel Thrift, IV



Transportation:

Joel Thrift, IV, Chair
Paul Corbeil, I
Wayne McCall, II



Real Estate, Facilities & Land Management:

Archie Barron, III, Chair
Paul Corbeil, I
Wayne McCall, IV



Law Enforcement, Public Safety, Health & Welfare:

Wayne McCall, II, Chair
Archie Barron, III
Joel Thrift, IV



Planning & Economic Development:

Paul Corbeil, I, Chair
Archie Barron, II
Reg Dexter, V



**AGENDA ITEM SUMMARY
OCONEE COUNTY, SC**

**COUNCIL MEETING DATE: June 3, 2014
COUNCIL MEETING TIME: 6:00 PM**

ITEM TITLE OR DESCRIPTION:

Accommodations Tax funding to Mountain Lakes CVB FY15!

BACKGROUND OR HISTORY:

PRT Commission and PRT staff recommends \$147,645 from State and Local ATAX funds for 2014-15 Mountain Lakes CVB funding. It is estimated that \$65,000 will come from 65% State ATAX fund, \$32,645 will come from the 30% State ATAX fund and \$50,000 will come from Local ATAX fund. Exact amounts from each account will be determined upon receipt of the 4th Quarter State ATAX check in August 2014. Total amount will not exceed \$147,645. This request was unanimously approved by the PRT Commission on 5-15-14. The Mountain Lake CVB has two full time positions and continues to support and promote Oconee County tourism and product development efforts. A portion of the State ATAX (30% Fund) is mandated to go directly to a tourism promotion agency (CVB) and is included in the amount requested. It automatically goes to the CVB each quarter upon receipt of the check.

SPECIAL CONSIDERATIONS OR CONCERNS:

COMPLETE THIS PORTION FOR ALL PROCUREMENT REQUESTS:

Does this request follow Procurement Ordinance #2001-15 guidelines? Yes / No (review #2001-15 on Procurement's website)
If no, explain briefly: No, ATAX funding of CVB

FINANCIAL IMPACT:

Estimated \$50,000 from the Local ATAX fund, \$65,000 from the 65% State ATAX fund and \$32,645 from the 30% State ATAX fund. See attached breakdown of all ATAX funding for the CVB FY15 and expected check dates.

Local ATAX balance = \$158,345
State ATAX balance = \$25,330

COMPLETE THIS PORTION FOR ALL GRANT REQUESTS:

Are Matching Funds Available?
If yes, who is matching and how much:

ATTACHMENTS

STAFF RECOMMENDATION:

Staff recommends approval of \$147,645 from State and Local ATAX accounts. Exact amounts from each account will be determined upon receipt of the 4th Quarter State ATAX check in August.

Reviewed By/ Initials:

_____ County Attorney _____ Finance _____ Grants _____ Procurement

Submitted or Prepared By:

Phil Shirley – PRT Director
Department Head/Elected Official

Approved for Submittal to Council:



Scott Moulder-Oconee County Administrator

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CVB Funding 2014-15

<u>30% State ATAX Fund</u>			<u>Local ATAX</u>		<u>65% State ATAX Fund</u>	
<u>Est. ck date</u>			<u>Est. ck date</u>		<u>Est. ck date</u>	
9/1/2014	\$17,000.00	4th Q FY14	7/1/2014	\$50,000.00	9/1/2014	\$65,000
11/1/2014	\$2,643	1st Q FY 15				
2/1/2015	\$9,002.00	2nd Q FY 15				
5/1/2015	\$4,000.00	3rd Q FY 15				
<hr/>			<hr/>		<hr/>	
Totals	\$32,645.00			\$50,000.00		\$65,000

Totals	30% ATAX	\$32,645.00
	Local Atax	\$50,000.00
	State Atax	\$65,000
	 CVB Budget	 \$147,645.00



May 20, 2014

Chairman Joel Thrift
Oconee County Commissioners
415 South Pine Street
Walhalla, South Carolina 29691

Re: A LEGAL UPDATE ON THE LEGALITY OF PUBLIC INVOCATIONS

Dear Chairman Joel Thrift:

In recent years, the historical and cherished American tradition of opening public meetings with prayer has come under attack. Community activists and groups such as the American Civil Liberties Union, Americans United for the Separation of Church and State, and the Freedom from Religion Foundation, have demanded that public invocations be censored or silenced in communities across the country. The Oconee County Commissioners has faced these challenges. Having previously interacted with community members or leaders about public prayers, Alliance Defending Freedom wanted to write to you specifically to inform you about *Town of Greece v. Galloway*, the Supreme Court decision that protects public prayer and the rights of prayer givers to determine how they pray. 572 U.S. ___, 2014 WL 1757828 (May 5, 2014).

By way of introduction, Alliance Defending Freedom is an alliance-building, non-profit legal organization that advocates for the right of people to freely live out their faith. Our organization exists to educate the public and the government about important constitutional rights, particularly the freedom of religious expression. Alliance Defending Freedom has been called upon to assist and successfully defend many public officials nationwide. As the legal team that successfully defended the Town of Greece, New York before the Supreme Court, we are uniquely qualified to report on the Court's

decision. This letter provides a detailed legal analysis concerning public invocation practices and concludes with an offer of free legal assistance.

I. LEGAL ANALYSIS

In his Farewell Address on September 19, 1796, President Washington famously admonished: “Of all the dispositions and habits which lead to political prosperity, religion and morality are indispensable supports.... The mere Politician, equally with the pious man, ought to respect and to cherish them. A volume could not trace all their connections with private and public felicity.”¹ It is both lawful and wise for public officials to respect and cherish our religious heritage and to invoke God’s protection and guidance over their public work and our nation.

There is simply no question that a public deliberative body may open its meetings with an invocation, even one that includes a prayer that expresses a distinctive faith perspective. Public prayer has been an essential part of our heritage since before this nation’s founding, and our Constitution has always protected that activity. Despite concentrated efforts by activist groups to have prayers silenced or purged of distinctly Christian references, the Supreme Court has—for the second time now—declared that opening prayers do not run afoul of the First Amendment’s Establishment Clause.

A. The Legality of Public Invocations is Beyond Dispute.

The United States Supreme Court has acknowledged that official proclamations of thanksgiving and prayer, and invocations before the start of government meetings, are an essential part of our culture and in no way a violation of the Constitution. This has been a consistent principle in First Amendment jurisprudence, and the Supreme Court has directly addressed the practice of public prayers on two occasions.

The first is *Marsh v. Chambers*, 463 U.S. 783 (1983), where the Court approved the Nebraska Legislature’s practice of opening each day of its sessions with a prayer given by a government official, a chaplain paid with taxpayer dollars. In *Marsh*, Chief Justice Burger 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.

¹ *Washington’s Farewell Address 1796*, YALE LAW LIBRARY LILLIAN GOLDMAN LAW LIBRARY, http://avalon.law.yale.edu/18th_century/washing.asp (last visited May 15, 2014).

Id. at 786. The Court noted that the final language of the Bill of Rights was agreed upon just three days *after* Congress authorized opening prayers by paid chaplains. *Id.* at 788. Clearly then, “[t]o invoke Divine guidance on a public body ... is not, in these circumstances, an ‘establishment’ of religion or a step toward establishment ...,” *Id.* at 792.

When analyzing a public holiday display in *Lynch v. Donnelly*, 465 U.S. 668, 675 (1984), the Supreme Court again affirmed that “[o]ur 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.” Justice O’Connor opined that such official references encompass “legislative prayers of the type approved in *Marsh* ... , government declaration of Thanksgiving as a public holiday, printing of ‘In God We Trust’ on coins, and opening court sessions with ‘God save the United States and this honorable court.’” *Id.* at 693 (concurring opinion). She explained, “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.” *Id.*

The Supreme Court has now—for a second time—directly addressed the validity of opening public meetings with prayer. In *Town of Greece v. Galloway*, 572 U.S. ____ (2014 WL 1757828 (May 5, 2013)), the town was sued because volunteer citizens opened the town council’s meetings with prayer. Most of the volunteers chose to deliver prayers that were distinctly Christian. The suit aimed to silence the prayers or mandate censored prayers that were generic and void of any references that are distinct to a particular faith. But the Supreme Court upheld the town’s practice and again affirmed that “[e]s practiced by Congress since the framing of the Constitution, 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.

B. Prayers cannot be religiously censored.

For the past decade, secularist groups have used federal lawsuits, the media, and an aggressive letter writing campaign to intimidate government officials into either abandoning the cherished American tradition of seeking Divine guidance or censoring prayers. The Supreme Court has now definitively spoken—holding that the Constitution not only allows such prayers, but that it precludes government from censoring them.

1. Avoid theological line drawing.

Some activist groups have contended that all references to a distinctive faith, such as Christianity, must be removed from public prayers. Indeed, this was the chief complaint in *Town of Greece*. *Id.* at *5. In response, the Court stated: “To hold that invocations must be nonsectarian would force legislatures that sponsor prayers and the

courts that are asked to decide these cases to act as supervisors and censors of religious speech.” *Id.* at *10. The Supreme Court has now made clear that the Constitution prohibits such censorship:

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, unfettered by what an administrator or judge considers to be nonsectarian.

Id. at *11 (emphasis added).

This explicit statement reiterates warnings that the Court has issued in prior cases. *See Engle v. Vitale*, 370 U.S. 421, 425 (1962) (noting the government cannot dictate the content of prayers); *Lee v. Weisman*, 505 U.S. 577, 588 (1992) (recognizing that mandating “nonsectarian” prayer involves a dangerous element of governmental control over public prayers).

In addition to the Court’s direction, a review of historical and present day practices demonstrates the nature of constitutionally permissible public prayers. For example, in both *Marsh* and *Town of Greece*, the Supreme Court noted approvingly the prayer offered at the first session of the Continental Congress on September 7, 1774 by the Rev. Jacob Duché. *Marsh*, 463 U.S. at 787; *Town of Greece*, 2014 WL 1757828, at *12. Rev. Duché included these words in his prayer:

Be Thou present; O God of Wisdom, and direct the councils of this Honorable Assembly: enable them to settle all things on the best and [surest] of foundations: that the scene of blood may be speedily closed: that Order, Harmony and Peace may be effectually restored, and Truth, and Justice, Religion, and Piety prevail and flourish among the people. Preserve the health of their bodies and the vigor of their minds, shower down on them, and the millions they here represent, such temporal Blessings as Thou seest expedient for them in this world, and crown them with everlasting Glory in the world to come. *All this we ask in the name and through the merits of Jesus Christ, Thy Son and Our Savior, Amen.*²

The content of Rev. Duché’s prayer is virtually indistinguishable from the content of the typical opening prayer at any public meeting in America today. So in addition to the high court’s announcement of legal precedent, state and local governments can look to the

² September 7, 1774, FIRST PRAYER IN CONGRESS: BEAUTIFUL REMINISCENCE (Washington, D.C. Library of Congress); WILLIAM J. FEDERER, AMERICA’S GOD AND COUNTRY: ENCYCLOPEDIA OF QUOTATIONS 137 (Coppell, TX Fame Publishing, Inc., 1994), GARY DEMAR, GOD AND GOVERNMENT: A BIBLICAL AND HISTORICAL STUDY 108 (Atlanta, GA American Vision Press, 1982); JOHN S.C. ABBOTT, GEORGE WASHINGTON 187 (New York, NY Dodd, Mead & Co., 1875, 1917).

practices of the U.S. Congress for guidance. The legislative prayers offered in Congress often make clear references to a specific deity, such as Jesus.³

2. Honor the purpose of the prayer

The government cannot create a theological litmus test for regulating public prayers. However, the Supreme Court has identified limits for public prayers in order to ensure that invocations serve the purpose for which they are given. *Town of Greece*, 2014 WL 1757828, at *11 (“The relevant constraint derives from its place at the opening of legislative sessions, where it is meant to lend gravity to the occasion and reflect values long part of the Nation’s heritage.”). In particular, the Supreme Court stated that the government should avoid a practice that “over time shows that the invocations denigrate nonbelievers or religious minorities, threaten damnation, or preach conversion.” *Id.*; see also *Marsh*, 463 U.S. at 794-95 (“The content of the prayer is not of concern to judges where, as here, 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.”). This simple and easily applied rule avoids any theological inquiries and is consistent with the proper decorum for conducting public business.

In summary, legislative prayers—even distinctly Christian ones—are clearly constitutional and “deeply embedded in the history and tradition of this country.” *Marsh*, 463 U.S. at 786.

C. Deliberative public bodies at all levels of government can open public meetings with a prayer.

The first time the Supreme Court considered prayers in public meetings, it did so in the context of a state legislature, but the Court did not limit its holding to state-wide or national public bodies. In fact, the Court opened its analysis by noting that “[t]he opening of sessions of legislative and *other deliberative public bodies* with prayer is deeply embedded in the history and tradition of the country.” *Marsh*, 463 U.S. at 786 (emphasis added). The Court considered historical practices of the U.S. Congress and extended its rationale to any “public body” entrusted with making laws and setting policies for a community. *Id.* at 792. Now, the Supreme Court has explicitly stated that local public bodies may open their meetings with prayer. See *Town of Greece*, 2014 WL 1757828, at *14-17 (approving opening prayers at a town council meeting). Public officials at all levels of government have the liberty and the right to embrace this American tradition and benefit from seeking Divine guidance and blessing on their endeavors.

D. The identity of the prayer giver is not limited.

³ See, e.g., *Newdow v. Bush*, 355 F. Supp. 2d 265, 285 n.3 (D.D.C. 2005) (acknowledging that “the legislative prayers at the U.S. Congress are overtly sectarian”).

Courts across the country have approved varying sorts of public invocation policies. The U.S. Supreme Court, in *Marsh*, approved a practice of using a **chaplain** to deliver a public invocation before a deliberative body. 463 U.S. 783. In *Town of Greece*, the Supreme Court approved **volunteer members of the community** offering the invocation. 2014 WL 1757828. Numerous courts have also affirmed the practice of inviting local clergy to deliver a public invocation. See *Belphevy v. Cobb Cnty.*, 547 F.3d 1263 (11th Cir. 2008); *Rubin v. City of Lancaster*, 710 F.3d 1087 (9th Cir. 2013). And in *Wynne v. Town of Great Falls*, 376 F.3d 292 (4th Cir. 2004), *cert. denied*, 545 U.S. 1152 (2005), and *Turner v. City Council of the City of Fredericksburg*, 534 F.3d 352 (4th Cir. 2008), *cert. denied*, 555 U.S. 1099 (2009), courts specifically approved practices in which the invocations were delivered by the **elected officials**. In the wake of the *Town of Greece* decision, several groups challenging public prayers have suggested that the legal analysis differs when prayers are offered by elected officials, but no court in the country has agreed with that contention. The Supreme Court found no legal distinction between prayers offered by a government employee in *Marsh* and prayers offered by volunteer citizens in *Town of Greece*. And two courts of appeals have already found that prayers are not unconstitutional simply because they are offered by elected officials. These cases demonstrate that deliberative public bodies are free to adopt a practice that best meets the needs of the local community.

II. OFFER OF *PRO BONO* ASSISTANCE

Alliance Defending Freedom has consulted with many state and local government leaders across the nation to assist in crafting solutions to the recent challenges to public prayer brought by the ACLU and others. And Alliance Defending Freedom is prepared to continue assisting public bodies in developing policies and practices that rightly preserve the American tradition of opening legislative sessions with prayer.

Alliance Defending Freedom is willing to work with any government body to craft invocation policies that pass constitutional muster. For that reason, Alliance Defending Freedom will consult—free of charge—with deliberative bodies in the development of invocation policies. Alliance Defending Freedom will also provide a free legal defense to any local governmental bodies working cooperatively with us if their invocation policy is legally challenged. A sample policy that incorporates practices already approved by federal courts can be downloaded at <http://adf.org/prayer-policy>.

It is our hope that the information provided in this letter will be helpful in explaining the reasons why governmental bodies can and should continue the tradition of opening their public deliberations with invocations. We encourage each deliberative body to codify its invocation practices with a constitutionally sound written policy.

Please do not hesitate to contact us if Alliance Defending Freedom can provide any further information or assistance, or if we may help respond to any challenge or threat of litigation with regard to religious acknowledgement or expression in your community. As a not-for-profit organization, our services are provided *pro bono*.

Very sincerely yours,



Brett B. Harvey
Senior Counsel
Alliance Defending Freedom



David A. Cortman
Senior Counsel
Alliance Defending Freedom

.S. Supreme Court Opinion on Public Meeting Invocations

Thursday, May 22, 2014 10:25:00 AM Categories: [Public Meeting Invocations](http://www.sccounties.org/Blog/ViewCategory.aspx?cat=129&mid=1267&pageid=866)
(<http://www.sccounties.org/Blog/ViewCategory.aspx?cat=129&mid=1267&pageid=866>)

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This *Technical Bulletin* outlines a recent opinion of the US Supreme Court relating to invocations at public body meetings. A copy of the Court's syllabus opinion in the case *Town of Greece New York v. Galloway et al.*, is attached for your convenience. The full opinion is available online at www.supremecourt.gov (<http://www.supremecourt.gov>).

On May 5, 2014, the United States Supreme Court narrowed the scope of legal challenges that may be brought against a public body's invocation policies based on the content of the prayers. In this particular case the Town of Greece, New York had a policy of opening meetings with a prayer/invocation. The Town's policy was open to clergy of all creeds, however, nearly all of the local congregations were Christian. As a result nearly all of the prayers at town meetings were Christian in nature. The plaintiffs, who were all citizens attending various meetings, challenged the policy arguing that the prayers preferred Christianity over all other beliefs. They sought to limit the town to "inclusive and ecumenical" invocations that referred only to a "generic god." The Court's opinion held that the first amendment to the Constitution requires public bodies to maintain a policy of nondiscrimination, and may not intentionally create a pattern that over time denigrates, proselytizes, or betrays an impermissible government purpose. However, the Court held that the first amendment did not require the public body to search outside of its borders in order to achieve religious diversity. The Court also rejected the argument that individual prayers had to be nonsectarian. To hold such, the Court said, would require the public body to act as a supervisor or censor of religious speech.

The Court further pointed to the fact that the audience to whom the prayers are directed are the lawmakers themselves and not the public. The prayers are meant to lend gravity to public proceedings, and not to coerce citizens to engage in a religious observance. The public attending these meetings may leave the room or otherwise not participate.

Public bodies should also look to § 6-1-160 of the SC Code of Laws for guidance concerning public invocation policies. The South Carolina Legislature enacted the Public Invocations Act in 2008, to provide a procedure for state and local governments to enact policies for an invocation to open a public meeting. The Act's requirements apply to most public bodies, and includes many of those issues addressed by the Supreme Court in *Galloway*.

Pursuant to § 6-1-160(B) public bodies may enact an invocation policy by one of three methods: (1) the members of the body offer an invocation on an objective and rotating basis; (2) the body may elect a chaplain; or (3) the

May 2014						
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, may allow invocation speakers from the community of religious leaders where the body is located. If the body allows speakers from the community, to ensure objectivity, the body annually shall compile a list of all known, established religious congregations and assemblies by reference to local telephone books or similar sources.

Please consult your county attorney if you have specific questions about this opinion and its application to the SC Public Invocations Act. The SCAC staff is also available at 1-800-922-6081 to address general questions.

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Comments

New Comment

Title

re: U.S. Supreme Court Opinion on Public Meeting Invoc:

Email Address

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Enter the code shown:

SECTION 6-1-160. Authority to adopt ordinance allowing invocation to open public meeting of deliberative public body; definitions.

(A) For purposes of this section:

(1) "Public invocation" means an invocation delivered in a method provided pursuant to subsection (B) to open the public meeting of a deliberative public body. In order to comply with applicable constitutional law, a public invocation must not be exploited to proselytize or advance any one, or to disparage any other faith or belief.

(2) "Deliberative public body" means a state board or commission, the governing body of a county or municipal government, a school district, a branch or division of a county or municipal government, or a special purpose or public service district.

(B) A deliberative public body, by ordinance, resolution, or written policy statement, may adopt a policy to permit a public invocation as defined in subsection (A)(1) before each meeting of the public body, for the benefit of the public body. The policy may allow for an invocation to be offered on a voluntary basis, at the beginning of the meeting, by:

(1) one of the public officials, elected or appointed to the deliberative public body, so long as the opportunity for invocation duty is regularly and objectively rotated among all of that deliberative public body's public officials;

(2) a chaplain elected by the public officials of the deliberative public body; or

(3) an invocation speaker selected on an objective and rotating basis from among a wide pool of the religious leaders serving established religious congregations in the local community in which the deliberative public body meets. To ensure objectivity in the selection, the deliberative public body on an annual basis shall compile a list of all known, established religious congregations and assemblies by reference to local telephone books or similar sources, or both, and on an annual basis shall mail an invitation addressed to the 'religious leader' of each congregation and assembly. The invitation must contain, in addition to scheduling and other general information, the following statement: "A religious leader is free to offer an invocation according to the dictates of his own conscience, but, in order to comply with applicable constitutional law, the [name of deliberative public body issuing the invitation] requests that the public invocation opportunity not be exploited to proselytize or advance any one, or to disparage any other faith or belief". Each respondent who accepts the invitation to deliver an invocation at an upcoming meeting of the deliberative public body shall be scheduled to deliver an invocation on a first-come, first-served basis.

(C) In order that deliberative public bodies may have access to advice on the current status of the law concerning public invocations, the Attorney General's office shall prepare a statement of the applicable constitutional law and, upon request, make that statement available to a member of the General

Assembly or a deliberative public body. As necessary, the Attorney General's office shall update this statement to reflect any changes made in the law. The Attorney General's office may make the statement available through the most economical and convenient method including, but not limited to, posting the statement on a web site.

(D) The Attorney General shall defend any deliberative public body against a facial challenge to the constitutionality of this act.

(E) Nothing in this section prohibits a deliberative public body from developing its own policy on public invocations based upon advice from legal counsel.

HISTORY: 2008 Act No. 241, Section 2 eff May 27, 2008.

NON AGENDA ITEMS



Public Comment

SIGN IN SHEET

June 3, 2014

6:00 PM

Comments regarding these issues will be heard at the end of the meeting.

Council will hear public comment during this portion of the meeting for Non-Agenda Items. Please Be Advised: Combined the two Public Comment Sessions at this meeting are limited to a total of 40 minutes, 4 minutes per person.

Please be advised that citizens not utilizing their full four [4] minutes may not "donate" their remaining time to another speaker. As stated above, each speaker is restricted to a maximum of four [4] minutes.

Citizens failing to PRINT or list the **NON AGENDA** item they wish to address will not be called upon during this portion of the meeting.

	FULL NAME	NON AGENDA ISSUE
1	<i>[Handwritten Name]</i>	<i>[Handwritten Issue]</i>
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Everyone speaking before Council will be required to do so in a civil manner. Council will not tolerate personal attacks on individual council members, county staff or any person or group. Racial slurs will not be permitted. Council's number one priority is to conduct business for the citizens of this county. All citizens who wish to address Council and all Boards and Commission appointed by Council should do so in an appropriate manner.

NOTE: Non Agenda Item matters can be addressed except for those which, due to law or proper protocol, would be inappropriate for public meetings of Council, such as, but not limited to, personal attacks on individual council members, partisan political activity and/or comments.