

FORSYTH COUNTY
BOARD OF COMMISSIONERS

ADDITIONAL
ITEM

MEETING DATE: May 12, 2014 AGENDA ITEM NUMBER: 10

SUBJECT: RESOLUTION AUTHORIZING THE COUNTY ATTORNEY'S OFFICE TO PURSUE NECESSARY LEGAL ACTIONS TO DISSOLVE THE ORDER OF THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF NORTH CAROLINA, WHICH DECLARED FORSYTH COUNTY'S INVOCATION POLICY, AS IMPLEMENTED, VIOLATED THE ESTABLISHMENT CLAUSE OF THE CONSTITUTION AND ENJOINED THE COUNTY FROM CONTINUING ITS POLICY AS IMPLEMENTED

COUNTY MANAGER'S RECOMMENDATION OR COMMENTS:

SUMMARY OF INFORMATION:

ATTACHMENTS: YES NO

SIGNATURE: _____ DATE: _____
COUNTY MANAGER

RESOLUTION AUTHORIZING THE COUNTY ATTORNEY'S OFFICE TO PURSUE NECESSARY LEGAL ACTIONS TO DISSOLVE THE ORDER OF THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF NORTH CAROLINA, WHICH DECLARED FORSYTH COUNTY'S INVOCATION POLICY, AS IMPLEMENTED, VIOLATED THE ESTABLISHMENT CLAUSE OF THE CONSTITUTION AND ENJOINED THE COUNTY FROM CONTINUING ITS POLICY AS IMPLEMENTED

WHEREAS, on January 28, 2010, United States District Court for the Middle District of North Carolina issued an order declaring Forsyth County's Invocation Policy violated the Establishment Clause of the Constitution and enjoined the County from continuing its policy as implemented; and

WHEREAS, the Court's Order was based upon the law which applied within the Fourth Circuit at the time the decision was rendered; and

WHEREAS, subsequent to the issuance of the said Order relating to Forsyth County's Invocation Policy, the Supreme Court of the United States granted certiorari in the case of Town of Greece, New York v. Galloway et al. from the Second Circuit and rendered a decision on May 5, 2014, which represents a change in the law as it applies to invocations at public meetings in the Fourth Circuit; and

WHEREAS, the case of Town of Greece v. Galloway involved an Invocation Policy virtually identical to Forsyth County's adopted policy, which was implemented in a manner similar to Forsyth County's policy; the Supreme Court of the United States concluded that the town's prayer practice does not violate the Establishment Clause; therefore, based upon the new Supreme Court ruling, Forsyth County's enjoined Invocation Policy, as implemented, would also be consistent with the Establishment Clause of the Constitution;

NOW, THEREFORE, BE IT RESOLVED that based upon the decision by the Supreme Court of the United States in the case of Town of Greece, New York v. Galloway et al. the Forsyth County Board of Commissioners hereby authorizes the Forsyth County Attorney's Office to pursue the necessary legal actions required to dissolve the January 28, 2010 Order of the United States District Court for the Middle District of North Carolina, which declared Forsyth County's Invocation Policy, as implemented, violated the Establishment Clause of the Constitution and enjoined the County from continuing its policy as implemented.

Adopted this the 12th day of May 2014.