

**RESOLUTION NUMBER 2022-27**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER SPRINGS, FLORIDA, AUTHORIZING THE CREATION OF A VOLUNTARY CITY CHAPLAIN POSITION; PROVIDING FOR THE REPEAL OF PRIOR INCONSISTENT RESOLUTIONS; SEVERABILITY; AND AN EFFECTIVE DATE.**

**WHEREAS**, the City of Winter Springs is granted the authority, under § 2(b), Art. VIII of the State Constitution, to exercise any power for municipal purposes, except when expressly prohibited by law; and

**WHEREAS**, it is the intent of the City Commission of the City of Winter Springs, Florida, to create an unpaid, voluntary City Chaplain position within the City government; and

**WHEREAS**, governments operating within the United States have a longstanding history of appointing and working with chaplains at the federal, state, and local level. For example, chaplains are employed federally in the Veterans Administration, Department of Justice, and the Department of Defense. The First Congress of the United States utilized the services of a chaplain, and presently both the United States Senate and the United States House of Representatives have official chaplains. The State of Florida House of Representatives also utilizes the services of a chaplain. Local governments have historically used chaplains as well and continue to do so to the present day. Often local governments appoint chaplains to serve within police departments, fire departments, schools, and/or hospitals; and

**WHEREAS**, a chaplain may serve many functions which would be beneficial to the City, including: providing counseling and support to City employees; acting as a liaison between the City government and local faith groups; providing invocations before or benedictions after official City meetings or events; coordinating with local faith groups to schedule guest chaplains to provide invocations before City meetings; providing spiritual counseling to City personnel as requested by said personnel; and providing moral support to the City at large during times of crisis; and

**WHEREAS**, in Town of Greece, N.Y. v. Galloway, 572 U.S. 565 (2014), the Supreme Court of the United States held that prayer conducted by a chaplain to open town board meetings does not violate the Establishment Clause of the First Amendment of the United States Constitution so long as the government does not dictate what religion the chaplain belongs to or the content of the prayer; and

**WHEREAS**, in Marsh v. Chambers, 463 U.S. 783 (1983), the Supreme Court of the United States held that the practice of opening legislative sessions with prayer is a part of the fabric of society deeply rooted in the history and tradition of the nation and therefore does not violate the Establishment Clause; and

**WHEREAS**, in Kennedy v. Bremerton School District, 142 S.Ct. 2407 (2022), the Supreme Court of the United States held that the Establishment Clause must be interpreted by reference to historical practices and understandings, and that the line that governments must draw between permissible and impermissible activities under the Establishment Clause must accord with history and must reflect the understanding of the founders; and

**WHEREAS**, in Williamson v. Brevard County, 928 F.3d 1296 (11th Cir. 2019), the Eleventh Circuit Court of Appeals found that a local government violates the Establishment Clause when it chooses chaplains in a manner which categorically excludes members of certain religions, or which otherwise engages in discrimination by expressing a preference for chaplains of one religious denomination over another. The Eleventh Circuit further reasoned that chaplains must be chosen based upon neutral, secular, criteria to comply with the Establishment Clause; and

**WHEREAS**, in Atheists of Florida, Inc. v. City of Lakeland, Fla., 713 F.3d 577 (11th Cir. 2013), the Eleventh Circuit found that a City's selection process for invocation speakers does not violate the Establishment Clause if the selection process does not advance or disparage any particular faith. The Eleventh Circuit further found that the No-Aid Clause of the Florida Constitution, FL CONST. Art. 1 § 3, is not violated where invocation-givers and chaplains are unpaid volunteers and where no religious group receives a pecuniary benefit; and

**WHEREAS**, the City Commission is relying upon the aforementioned legal authority for the purposes of adopting this Resolution; and

**WHEREAS**, the City Commission recognizes that the City Chaplain position must not be used to advance or disparage any particular religion. The City Commission further does not intend for the Chaplain position to create an excessive entanglement of church and state; and

**WHEREAS**, the City Commission recognizes that the City Chaplain position shall be unpaid and voluntary, and that no religious group shall receive a pecuniary benefit in association with the Chaplain position, and that the City will comport with the requirements of FL CONST. Art. 1 § 3, which provides that "[T]here shall be no law respecting the establishment of religion or prohibiting or penalizing the free exercise thereof. Religious freedom shall not justify practices inconsistent with public morals, peace or safety. No revenue of the state or any political subdivision or agency thereof shall ever be taken from the public treasury directly or indirectly in aid of any church, sect, or religious denomination or in aid of any sectarian institution;" and

**WHEREAS**, the City Commission recognizes that City Chaplain positions shall be open to persons of all faiths and that the Chaplain shall be chosen via a set of secular selection criteria; and

**WHEREAS**, the City Commission recognizes that the appointment of chaplains whose duty is to serve a governmental entity and to provide support to Government officers, agents, and employees, has a longstanding history and tradition in the United States; and

**WHEREAS**, the City Commission of the City of Winter Springs hereby finds that this Ordinance is in the best interests of the public health, safety, and welfare of the citizens of Winter Springs; and

**NOW, THEREFORE, THE CITY COMMISSION OF THE CITY OF WINTER SPRINGS HEREBY ORDAINS, AS FOLLOWS:**

**Section 1. Intent and Purpose.** This Resolution is intended to have a secular, non-religious purpose. The intent and purpose of this Resolution is to recognize that there are many functions a City Chaplain may perform which would be a great benefit to both the City at large and to City personnel in an individual capacity. The primary effect of this Resolution is neither to advance nor disparage any particular religion or religious denomination. This Resolution is not intended to promote or support an unconstitutional entanglement of church and state.

**Section 2. Creation of a City Chaplain position.** The City Commission hereby determines that the creation of a voluntary City Chaplain position is consistent with the applicable State and Federal laws, and in accordance with the Policies and Procedures set forth in **EXHIBIT “A,”** which is attached hereto and fully incorporated herein by this reference. Accordingly, upon approval by the City Commission, the position of City Chaplain shall be created. A City Chaplain shall be chosen by the City Commission using a secular set of appointment criteria. The City may appoint multiple Chaplains to serve at one time. Chaplains shall serve for terms of one year, subject to re-appointment by the Commission.

**Section 3. Duties of the Chaplain.** The general duty of the City Chaplain shall be to serve the City of Winter Springs during times of need or crisis in accordance with the job task outlined in **EXHIBIT “B,”** which is attached hereto and fully incorporated herein by this reference. Without limiting the foregoing, it is the intent of this Resolution that the City Chaplain be readily available to counsel City personnel, as well their families, and other individuals in the community who may be in need of the Chaplain’s services. The Chaplain shall be responsible for providing on-call guidance, counseling, consultation, and other forms of human crisis intervention to those in need. The Chaplain may provide spiritual counseling only to those who specifically request spiritual counseling. The City Chaplain must express themselves with tolerance and respect for people of all religions. The City Chaplain shall not discriminate against individuals on the basis of race, gender, sex, national origin, ability, or religion.

**Section 4. Repeal of Prior Inconsistent Resolutions.** All prior inconsistent resolutions adopted by the City Commission, or parts of prior resolutions in conflict herewith, are hereby repealed to the extent of the conflict.

**Section 5. Police Department Chaplain Program.** Nothing herein is intended to repeal or modify the City Chaplain Program established by the Winter Springs Police Department. The City Chaplain program established by this Resolution is of more general scope than the one established by the Police Department for police department purposes and shall provide additional chaplain services in addition to and supplemental to the police department’s chaplain program.

**Section 6. Severability.** If any section, subsection, sentence, clause, phrase, word, or provision of this Resolution is for any reason held invalid or unconstitutional by any court of competent jurisdiction, whether for substantive, procedural, or any other reason, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions of this Resolution.

**Section 7. Effective Date.** This Resolution shall become effective immediately upon adoption by the City Commission of the City of Winter Springs, Florida, and pursuant to the City Charter.

**ADOPTED** by the City Commission of the City of Winter Springs, Florida, in a regular meeting assembled on the 10<sup>th</sup> day of October, 2022.

  
\_\_\_\_\_  
KEVIN McCANN, Mayor

ATTEST:

  
\_\_\_\_\_  
CHRISTIAN GOWAN  
City Clerk



**APPROVED AS TO LEGAL FORM AND SUFFICIENCY  
FOR THE CITY OF WINTER SPRINGS ONLY.**

  
\_\_\_\_\_  
ANTHONY A. GARGANESE  
City Attorney

**EXHIBIT "A"**  
**RESOLUTION NO. 2022-27**

**CITY CHAPLAIN PROGRAM  
POLICIES AND PROCEDURES**

|                                 |                        |
|---------------------------------|------------------------|
| <b>CITY OF WINTER SPRINGS</b>   | <b>CITY COMMISSION</b> |
| TITLE:<br>CITY CHAPLAIN PROGRAM | REF. No:               |
| Effective: 10/10/2022           | Revised:               |
| STANDARDS OF PERFORMANCE        |                        |

**PURPOSE:** This directive is to establish guidelines for the operation and management of the City of Winter Springs City Chaplain Program.

**DISCUSSION:** The City Chaplain Program is an unpaid, volunteer position occupied by one or more local clergy members who desire to serve the City during times of distress. The program is intended to provide citywide coverage, with the services of a Chaplain being made available to the employees of the City of Winter Springs on an as-needed basis.

**POLICY:** It is the policy goal of the City of Winter Springs to make readily available counseling services to City personnel, their families, and other members of the community in need of such services, either when needed or upon request. To accomplish this policy objective, the City will maintain a Chaplain Program responsible for providing on-call counseling, consultation, and other forms of human crisis intervention to those in need. The Chaplain may also provide spiritual guidance to those who request such guidance.

The goal of the City Chaplain Program is to provide a trusted individual in whom City personnel as well as citizens of the community may confide and from whom City personnel may seek assistance in dealing with personal hardships. In addition, the Program strives to establish and maintain an attitude of cooperation between the City and the local community.

**CHAPLAIN SELECTION CRITERIA:**

- A. To qualify as a City Chaplain, one must meet the following criteria:
1. Be a resident of the State of Florida.
  2. Maintain high moral and ethical standards.
  3. Possess a caring and understanding attitude towards all people regardless of race, national origin, sex, gender, ability, or religion.

4. Be willing and able to respond to situations where the presence of a City Chaplain is required.
5. Have the approval of the City Commission of the City of Winter Springs.
6. Consent to signing the City of Winter Springs Hold Harmless Agreement.

**DUTIES AND RESPONSIBILITIES:**

- A. Assist the City of Winter Springs during times of distress.
- B. Visit infirm City employees.
- C. Demonstrate appropriate communication skills in formal settings such as official City meetings, as well as in informal settings.
- D. Act as a liaison between the City of Winter Springs and the religious groups of all denominations located within the City and the surrounding areas.
- E. Provide counseling and moral support for City employees, as requested.
- F. Attend official City meetings and social events, providing invocations and benedictions, as requested.
- G. Provide spiritual aid and counseling for City employees, as requested.
- H. Coordinate with local faith groups to schedule guest Chaplains to provide invocations before City meetings.
- I. Attend City training sessions on a regular basis.
- J. Engage in ongoing training to enhance the Chaplain's efficiency in meeting with and assisting people in crisis.
- K. Periodically attend briefing sessions to familiarize themselves with the operations of the City.
- L. Remain open and flexible to new concepts and/or additional duties as deemed necessary by the City Commission.

## **ADDITIONAL INFORMATION:**

- A. City Chaplains serve on a voluntary basis and at the will of the City Commission. Their services may be terminated at any time by the City Commission for any reason whatsoever if it is felt that their involvement in the program is not in the best interest of the City of Winter Springs.
- B. The City may appoint multiple Chaplains to serve at one time. Chaplains shall serve for terms of one year, subject to re-appointment by the Commission.
- C. Any information received by the Chaplain while in the performance of their official duties is to remain in the strictest confidence as allowed by law.
- D. Chaplains do not act as an extension of their denomination or faith group. A Chaplain position may not under any circumstances be used as an opportunity to preach, proselytize, or otherwise advance any particular religion or belief.
- E. The Chaplain may only provide religious counseling if requested by the counselee. If the counselee does not request spiritual counseling, only secular counseling and support may be offered.
- F. A Chaplain should be willing to become involved in training programs that enhance one's efficiency in meeting and dealing with people in crisis.
- G. A Chaplain should be familiar with community medical, psychiatric, and other aid resources in the local area.
- H. The Chaplain's responsibility is to assist all City employees and their families, upon request, in matters within the chaplain's professional realm. The chaplain shall not interfere with a City employee, agent, or official, in the performance of that employee's duty.
- I. The Chaplain shall not lend their presence to any political or social movement in a manner that may suggest the City's endorsement of such a movement. Any such endorsement or advocacy must be undertaken only as a civilian member of the clergy. Political and social movements are

clearly distinguishable from civic office. The Chaplain's role as a public servant must be distinct from their role as a clergy-member.

**ADMINISTRATION OF THE CHAPLAIN PROGRAM:**

- A. The City Chaplain Program is administered by the City Commission of the City of Winter Springs.
- B. The City Clerk on behalf of the City Commission shall publish and maintain a current list of approved City Chaplains. Contact information for the City Chaplains is available through the City's contact directory.
- C. All employees, officers, and agents of the City of Winter Springs are authorized to make direct contact with the City Chaplain for personal reasons.

**RELEASING INFORMATION:**

- A. Members of the City Chaplain Program may not, without prior approval of the City Commission or City Manager, discuss with the media or other unauthorized persons official City business in which they may have become involved or have personal knowledge.

**Approved by the City Commission by Resolution No. 2022-27 on this 10<sup>th</sup> day of October, 2022**



**EXHIBIT “B”  
RESOLUTION NO. 2022-27**

**City of Winter Springs  
Job Task Analysis**

|  |                         |                          |           |
|--|-------------------------|--------------------------|-----------|
| Position:<br>Chaplain  | Department:<br>Citywide | Pay:<br>Unpaid/Volunteer |           |
| <p><u>General Description:</u></p> <p>The general duty of the City Chaplain is to serve the City of Winter Springs during times of need or crisis. They are to be readily available to counsel City employees, their families, and other individuals in the community in need of support. A Chaplain is responsible for providing on-call guidance, counseling, consultation, and other forms of human crisis intervention to those in need. Chaplains must express themselves with respect for people of all religions.</p> |                         |                          |           |
| <p><u>Job Task:</u></p>  |                         | Importance               | Frequency |
| 1. Assist the City of Winter Springs during times of distress.   |                         | 1 2 3 4                  | 1 2 3 4   |
| 2. Visit infirm City employees or members of the community.  |                         | 1 2 3 4                  | 1 2 3 4   |
| 3. Demonstrate appropriate communication skills in formal settings such as official City meetings, as well as in informal settings.  |                         | 1 2 3 4                  | 1 2 3 4   |
| 4. Act as a liaison between the City of Winter Springs and religious groups of all denominations located within the City and the surrounding areas.  |                         | 1 2 3 4                  | 1 2 3 4   |
| 5. Provide counseling for City employees and members of the community, as requested.   |                         | 1 2 3 4                  | 1 2 3 4   |
| 6. Attend official City meetings and social events, providing invocations and benedictions, as requested.  |                         | 1 2 3 4                  | 1 2 3 4   |
| 7. Provide spiritual aid and counseling for City employees and members of the community, as requested.   |                         | 1 2 3 4                  | 1 2 3 4   |
| 8. Coordinate with local faith groups to schedule guest chaplains to provide invocations before City meetings.   |                         | 1 2 3 4                  | 1 2 3 4   |
| 9. Attend City training sessions.  |                         | 1 2 3 4                  | 1 2 3 4   |
| 10. Engage in ongoing training to enhance the Chaplain’s efficiency in meeting with and assisting people in crisis.  |                         | 1 2 3 4                  | 1 2 3 4   |
| 11. Periodically attend briefing sessions to familiarize themselves with the operations of the City.   |                         | 1 2 3 4                  | 1 2 3 4   |
| <p>These essential job functions are not to be construed as a complete statement or all duties performed. The Chaplain will be required to perform other job-related marginal duties as required.</p>  |                         |                          |           |

Required Qualifications:

- English language fluency. Fluency in Spanish and other languages is helpful.
- Knowledge of general, nonreligious counseling and/or crisis intervention.
- Familiarity with services available in the community to assist persons in crisis, such as local medical and psychiatric resources, as well as other community aid resources.
- Knowledge regarding spiritual guidance and religious counseling.
- Demonstrated commitment to showing respect to all persons regardless of race, sex, gender, national origin, ability, or religion.
- Demonstrated dedication to ethics and professionalism.
- Basic knowledge of the function of the local government of the City of Winter Springs and the Winter Springs City Commission, or willingness to learn about the function of the City government.

Environmental Conditions:

- Work may be inside in an office environment or outside in the field, as needs dictate.
- May during the day or at night, as needs dictate.

Education and Experience:

- High school graduate or recipient of an acceptable equivalent diploma.
- Education and/or specialized training in providing secular counseling services.
- Experience and/or specialized training in theological counseling.

(A comparable amount of training, education or experience can be substituted for a minimum qualification).

Licenses and Certifications:

- Theological Training Certificate.
- Certificates in at least one form of non-religious counseling.

**Approved by the City Commission by Resolution No. 2022-27 on this 10th day of October, 2022**