

MAYOR AND COUNCIL COMMUNICATION

DATE: December 3, 2024
TO: Mayor and Council
FROM: Melinda Moritz, Public Works Director
THROUGH: Crystal Caldera, Ph.D., City Manager

SUBJECT: Discussion and Possible Action to Direct Staff on the Purchase and Installation of Religious Decorations to Add to the Existing Holiday Lighting Event Decorations at the Community and Conference Center Grounds

SPONSOR(S): Councilors Bradshaw and Orozco

PURPOSE

The purpose of this item is to consider directing staff to purchase and install a nativity scene and a Hanukkah menorah display to add to the decorations already installed at the Community/Conference Center grounds during the annual Holiday Lighting event.

To proactively address any concerns regarding the legality and liability of this item, staff offers the following:

According to Supreme Court precedent, installing a nativity scene on government property can be legal if it is part of a larger holiday display that includes secular symbols, effectively meaning it is not solely religious in nature, often referred to as the "reindeer rule"; this was established in the case of Lynch v. Donnelly (1984) where the court ruled that a nativity scene within a broader Christmas display did not violate the Establishment Clause of the First Amendment.

FISCAL IMPACT

The decorations are expected to cost between \$50 and \$1,500, depending on the size and number of decorations requested. Staff suggests that funds for this purchase be donated; however, the purchase can be absorbed in the current Public Works budget, as the existing holiday lighting strands were refurbished from last year and are being reused, so funds budgeted for replacement lighting will not be used.

RECOMMENDATION

At City Council discretion.

APPROVED: _____ DISAPPROVED: _____

APPROVED WITH THE FOLLOWING AMENDMENTS:

ATTEST:

SAUNDRA PASSAILAIGUE, TRMC
City Secretary