

Claims were approved in the amount of \$5,487,986.65.

D-2 Approve Minutes (CLK)

The minutes of November 4, 2009 (Regular Meeting), November 17, 2009 (Shirtsleeve Session), and November 24, 2009 (Shirtsleeve Session) were approved as written.

D-3 Adopt Resolution Authorizing a Sole Source Procurement of Outage Management and Trouble Call Svstems from Survalent Technoloav of Mississauga. Ontario, Canada (\$54.300) (EUD)

Adopted Resolution No. 2009-167 authorizing a sole source procurement of Outage Management and Trouble Call Systems from Survalent Technology of Mississauga, Ontario, Canada, in the amount of \$54,300.

D-4 Accept Improvements under Contract for Library Phase I Remodel Project (PW)

Accepted the improvements under the contract for Library Phase I Remodel Project.

E. Comments by the Public on Non-Agenda Items

THE TIME ALLOWED PER NON-AGENDA ITEM FOR COMMENTS MADE BY THE PUBLIC IS LIMITED TO FIVE MINUTES.

The Citv Council cannot deliberate or take any action on a non-agenda item unless there is factual evidence presented to the Citv Council indicatina that the subject brought up by the public does fall into one of the exceptions under Government Code Section 54954.2 in that (a) there is an emergency situation, or (b) the need to take action on the item arose subsequent to the agenda's beina posted.

Unless the Citv Council is presented with this factual evidence, the Citv Council will refer the matter for review and placement on a future City Council aaenda.



Ken Owen, Director of Christian Community Concerns, distributed a packet of information (filed) and provided a brief overview of the annual "Keeping Christ in Christmas" campaign and urged citizen participation.

Jerry Glenn, President of Lodi Adopt-A-Child, gave a brief presentation on its Christmas gift program for underprivileged children and encouraged people to support this worthwhile cause. Mr. Glenn distributed "angel cards" and stated that unwrapped gifts and/or cash donations could be dropped off at 100 East Pine Street no later than December 13.

Mayor Hansen's wife, Linda, wished him a happy 21st wedding anniversary.

F. Comments by the Citv Council Members on Non-Agenda Items

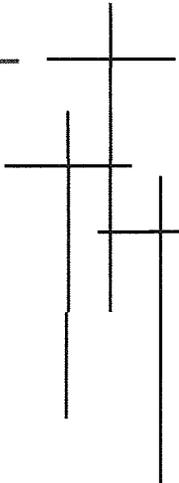
None.

G. Comments by the Citv Manager on Non-Agenda Items

City Manager King reviewed a partial listing of City Council's 2009 accomplishments (filed).

H. Public Hearings - None

I. Communications



# Christian Community Concerns

December 2, 2009

Dear Mayor, and Members of the Lodi City Council:

For decades, the American Civil Liberties Union, and its allies have been leading a campaign of fear, intimidation, and **disinformation** designed to censor our Nation's Christian heritage by driving our most popular holiday – Christmas – **from** the public square.

CCC is working with the Alliance Defense Fund, a national legal organization, to launch a campaign called **"KEEP CHRIST IN CHRISTMAS"** for the month of November and December. **Our** goal in this campaign is to clarify the issue of what does the law really say about freedom of religious expression when it comes to publicly celebrating the birth of Christ in our schools, and in public buildings.

Several years ago, ADF Attorneys contacted nearly 11,000 school districts representing 68,000 schools, along with a host of government agencies and institutions, with information on what the law really says about celebrating Christmas.

## **SOME EXAMPLES OF HOW FAR THIS HAS GONE ARE AS FOLLOWS:**

In Jackson County Georgia, school officials prohibited teachers from referring to any party as a "Christmas party," and from wearing symbols or clothing with "religious" connotations.

Another example occurred at a library in Memphis, where officials allowed a woman to set up a nativity scene, but then forced her to remove "inappropriate" figures of baby Jesus, Joseph, **Mary**, and the wise men.

A Chicago elementary school censored the word "**Christmas**" from several traditional Christmas Carols. When confronted with the **truth**, all of these **instances** were reversed.

CCC wants you to know the truth in these matters, and not be intimidated with distortions and threats of law suits that are not based on sound legal opinions. Enclosed is a **Myth/Fact** Sheet, and if you have any questions at all about what can or cannot be done legally, we will get the answers for you, in the mean time let's **"KEEP CHRIST IN CHRISTMAS."**

Sincerely,



Ken Owen, Director

## **Myth/Fact Sheet**

**Myth #1:** *Students are not allowed to sing religious Christmas carols in public schools.*

**Fact:** During school activities, such as choir, Christmas programs, and other events in public schools, students can sing such carols without offending the U.S. Constitution. Courts may look to whether the school has a secular purpose for initiating religious expression; for example, advancing students' knowledge of society's cultural and religious heritage and the opportunity for students to perform a full range of music, poetry, and drama

**Myth #2:** *It is unconstitutional for school officials to refer to a school break as a "Christmas Holiday."*

**Fact:** The Supreme Court has acknowledged the government's long-standing recognition of holidays with religious significance, such as Christmas. Congress has proclaimed Christmas to be a legal public holiday.

**Myth #3** *It is unconstitutional for public schools to close on religious holidays, such as Christmas and Good Friday.*

**Fact:** The Establishment Clause doesn't prohibit state officials from choosing a religious day as the day for a legal holiday.

**Myth #4:** *Public schools have to recognize all religious holidays if they recognize Christmas.*

**Fact:** A school that has a holiday coinciding with a religious holiday must do so for secular purposes, but that does not impose a legal duty on the school to recognize every other religious holiday.

**Myth #5:** *It is constitutional for public schools to ban teachers and students from saying Merry Christmas.*

**Fact:** The Supreme Court has stated that teachers and students do not "shed their constitutional rights to freedom of speech or expression at the schoolhouse gate." Guidelines issued by U.S. Secretary of Education Riley (under President Clinton) state "students therefore have the same right to engage in...religious discussion during the school day as they do to engage in other comparable activity." Teachers have the right to greet students with the words Merry Christmas, in spite of their role as agents of the state. Saying a simple greeting that people commonly use in December does not violate the Establishment Clause. (A teacher would have to use his/her

authority to promote religion to students in order to violate the Establishment Clause.)

**Myth #6:** *Public schools cannot have students study the religious origins of Christmas and read the biblical accounts of the birth of Christ.*

**Fact:** The Supreme Court has stated that "the Bible may constitutionally be used in an appropriate study of history, civilization, ethics, comparative religion, or the like." The term "study" has been defined to include more than mere classroom instruction; public performance may be a legitimate part of secular study.

**Myth #7:** *Public schools cannot display religious symbols.*

**Fact:** The display of a nativity scene is constitutional if it is displayed for legitimate secular purposes, such as to celebrate the holiday and to depict the origins of the holiday. If a public school is concerned, it is free to display a nativity scene among other forms of religious and secular seasonal expression.

**Myth #8:** *Students do not have a constitutional right to be exempt from activities with a religious component.*

**Fact:** Without penalty, students can opt out of activities (such as a Christmas program or a concert with a religious song) that conflict with the individual beliefs of the students or their parents. The school may not force "any person to participate in an activity that offends his religious or nonreligious beliefs." A student's objection to a school activity containing religion does not empower the student to censor the expression or block the activity. The student can opt out but cannot silence others. This is the standard for other matters as well. For example, students are allowed to opt out of reciting the Pledge of Allegiance.

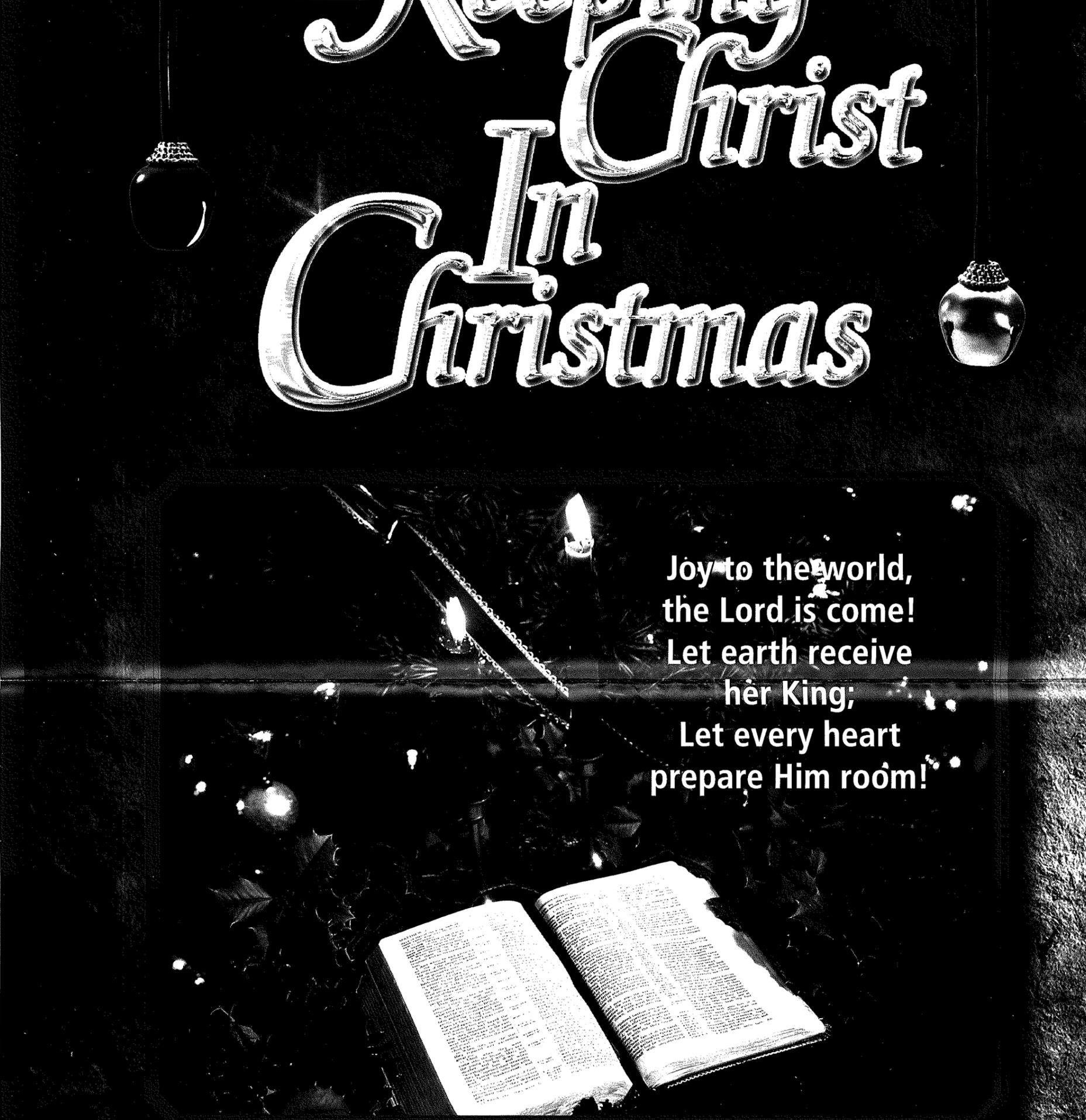
Dear Owner/Manager:

Currently, there is an assault on "Traditional Christmas" by those who want to eliminate the true meaning of the season. "Happy Holiday and Seasons Greetings" have replaced "Merry Christmas." It's time to return to our heritage, by saying "Merry Christmas," and displaying traditional Christmas symbols. Please join with us in saying "Merry Christmas" once again.

Signed \_\_\_\_\_

**WE BELIEVE IN...**

# Keeping Christ In Christmas



Joy to the world,  
the Lord is come!  
Let earth receive  
her King;  
Let every heart  
prepare Him room!

# Merry Christmas!

**A CAMPAIGN TO KEEP THE TRUE SPIRIT OF CHRISTMAS ALIVE IN OUR LAND**

**CHRISTIAN COMMUNITY CONCERNS**

P.O. Box 367, Lodi, California 95241 • [www.christiancommunityconcerns.org](http://www.christiancommunityconcerns.org)