

**CITY OF ALBANY
CITY COUNCIL AGENDA
STAFF REPORT**

Agenda Date: April 6, 2020
Reviewed by: NA

SUBJECT: Albany Cross Signage

REPORT BY: Claire Griffing, Sustainability & Resilience Manager
Jeff Bond, Community Development Director

SUMMARY

This item provides an opportunity for the Council to choose signage to be placed in front of the cross on Albany Hill.

RECOMMENDATION

That the Council adopt one of the attached three options for signage in front of the cross on Albany Hill:

1. Statement from Council Member Nason
2. Plaque with Council Statement
3. Educational Signage

BACKGROUND

The cross located on Albany Hill was erected by the Albany Lions Club in 1971, when Albany Hill was private property. The City received a dedication of the property in 1973 following a complex series of transactions and approvals. When the property was transferred to the City to become a public park, the Albany Lions Club was granted an easement of around the cross to maintain the cross in the City park, and it claims the right to illuminate the cross around the Christmas and Easter holidays.

The Albany community has expressed concern over the cross located in the public park, and the Albany City Council unanimously agrees that government agencies should not be viewed as supporting any particular set of religious beliefs. In 2017, the Albany Lions Club filed a lawsuit in the United States District Court against the City of Albany. The City responded with a counterclaim requesting removal of the cross due to its violation of the State and Federal Constitutions. On June 15, 2018, District Judge William Alsup issued an order granting in part and denying in part the parties' cross-motions for summary judgment. In 2019, the Federal Court of Appeals held up Judge Alsup's ruling.

DISCUSSION

While the Council is considering its options on this matter, the Council wants to make it clear that it does not endorse the cross and therefore, staff has prepared draft signage to be placed at the site to indicate the Council's concerns.

Three options for signage are attached, and include:

1. Statement from Council Member Nason
2. Plaque with Council Statement
3. Educational Signage

FINANCIAL CONSIDERATIONS

The cost of signage has not yet been assessed but would likely be nominal.

Attachments

1. Statement from Council Member Nason
2. Proposed Plaque with Council Statement
3. Proposed Educational Signage

Statement from Council Member Nason

Although this cross sits on land owned by the City of Albany, its display here is *not* endorsed by the City and does *not* reflect City sponsorship of religious beliefs. This cross display is *solely* the religious expression of the Albany Lions Club, which owns “an easement for ingress and egress to maintain the existing cross standing” on this land.

In 1971, the Albany Lions Club was allowed to erect this cross on what was then privately-owned land. In 1973, this land, with the cross affixed thereto, was accepted by the City of Albany as a condition of approval of the Gateview condominium project on Pierce Street. The developer of the Gateview project acquired the land from a member of the Albany City Council, who also was a member of the Albany Lions Club, and who granted the Lions Club the easement that remains in effect to this day. The City of Albany was represented in this transaction by an elected City Attorney who was also a member of the Albany Lions Club. The transaction effected what the City contends was in effect a gift from the City of Albany to the Albany Lions Club, Lions Club International, in the form of an easement to continue to display the cross after the land became a public park.

In recent years, the City of Albany has sought to comply with the United States and California Constitutions by removing this permanent religious symbol from its public park. It has proposed replacing the permanent cross with a nonsectarian facility that Christians and non-Christians could use at different times. The Albany Lions Club sued the City of Albany after it made this proposal, and the federal courts have ruled that although the situation is indeed unconstitutional, the City is bound by the easement gifted to the Albany Lions Club.

The City is therefore currently required to continue to display this Latin Cross in its public park, although it also continues to explore potential remedies for this situation.

If you agree with the City of Albany that the Albany Lions Club should return the easement to the City of Albany and allow our City to maintain a nonsectarian public park, please contact the Lions Club International to express your views. Please remind the organization that it is not only benefiting from what you agree is inappropriate behavior by the Albany Lions Club, it is also violating its own rules against fostering religious controversy by in effect forcing our City to display the Latin Cross in a public park that properly belongs to all, over the objections of our community.

Lions Club International may be contacted at the following address: 300 W. 2nd Street, Oak Brook, IL 60523, (630) 571-5466, pr@lionsclub.org

Proposed Plaque Language

In 1973, the City of Albany accepted ownership of this portion of Albany Hill Park with an easement allowing for the Albany Lions Club to conduct maintenance of the cross before you. Although the City Council has tirelessly sought a court ruling to contest this easement and the display of this cross on public property, the validity of the easement has been upheld by Federal Courts.

On March 16, 2020, the members of the City Council approved the following statement:

In recognition of the diversity of religious beliefs in our community, the City Council of the City of Albany does not endorse any particular religion and opposes the continued presence of this cross in a City park. We hope that the Lions Club will fulfill its stated mission to “encourage peace and promote international understanding” and voluntarily remove the cross and relinquish its easement so that all members of our community can enjoy this park.

Albany City Council Members

Michael Barnes

Peter Maass

Peggy McQuaid

Rochelle Nason

Nick Pilch

Example Plaque Image



What's the story with this Cross?

History of the Cross

This cross was erected in this location in 1971, when Albany Hill was private property. The City received a dedication of the property in 1973 following a complex series of transactions and approvals. When the property was transferred to the City to become a public park, the Albany Lions Club was granted an easement around the cross to maintain the cross in the City park, and it claims the right to illuminate the cross around the Christmas and Easter holidays.

Community Concern

The City has received complaints from numerous Albany residents, as well as local religious leaders, who believe that the existence and maintenance of a religious symbol on City property is inconsistent with contemporary community values of inclusiveness, and that it violates both State and Federal constitutions.

Legal Status

In 2017, the Albany Lions Club filed a lawsuit in the United States District Court against the City of Albany. The City responded with a counterclaim requesting removal of the cross due to its violation of the State and Federal Constitutions. On June 15, 2018, District Judge William Alsup issued an order granting in part and denying in part the parties' cross-motions for summary judgment. In 2019, the Federal Court of Appeals held up Judge Alsup's ruling.

What now?

The City remains committed to responding to the legitimate concerns expressed by community members and does not endorse this religious symbol on public park land.

What can you do?

If you are concerned about this religious symbol on public property, you may contact Lions Club International to express your views at pr@lionsclub.org.

A Statement from the City of Albany

In recognition of the diversity of religious beliefs in our community, the City of Albany does not endorse any particular religion and opposes the continued presence of this cross in a City park, nor does it support the lighting of the cross for any occasion, religious or nationalistic. We hope that the Lions Club will fulfill its stated mission to "encourage peace and promote international understanding" and voluntarily remove the cross and relinquish its easement so that all members of our community can enjoy this park.

Albany Hill Park is for everyone,
regardless of religious belief.



Example Educational Signage Image

