

ALBANY CALIFORNIA



CITY OF ALBANY
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PRESS RELEASE FOR IMMEDIATE RELEASE

City of Albany Statement regarding Albany Lions Club Lawsuit filed against the City of Albany, Staff and Elected Officials

September 22, 2017

On September 11, 2017, the Albany Lions Club filed a lawsuit against the City of Albany, alleging that the City acted illegally when it requested PG&E to temporarily turn off electrical service to a Christian cross maintained by the Lions Club within a City park on Albany Hill because of public safety concerns about a fire hazard. The Lions Club has historically lighted the cross during the Easter and Christmas holidays. The previous electrical line was in poor condition, with frayed wires that were precariously supported by the branches of a Eucalyptus tree. After PG&E upgraded the line to eliminate the fire hazard, power was restored. The lawsuit claims that the Lions Club was unable to light the cross during a four-day period prior to the 2016 Christmas holiday, asserting various constitutional violations.

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. Recent court decisions have held that such activities run counter to the Establishment Clause of the First Amendment because they create the appearance that government is endorsing a particular religion. Community members have also questioned whether the Lions Club is acting consistently with its status as a non-sectarian community service organization. The City Council believes that these concerns are well-founded and that government agencies should not be viewed as supporting any particular set of religious beliefs.

The Lions Club, on the other hand, contends that it has a property right to continue maintaining and lighting the cross during religious holidays and at other times. Their

claim is based on a vaguely worded easement which was recorded without the City's knowledge before the City took title to the underlying park land in 1973. This real estate transaction was the subject of a 1985 decision by the California Supreme Court in the case of *Thomson v. Call*, which found a violation of State conflict of interest laws and required then-City Council Member "Red" Call to disgorge his profits from the sale of the property.

The City has made numerous overtures to the Lions Club over the past year, seeking a mutually acceptable resolution that would result in removal of the cross from City property while recognizing past Lions Club contributions to the Albany community. The Lions Club has chosen instead to file a costly lawsuit against the City. Regrettably, the Lions Club has taken the unusual step of naming several City officials as defendants and seeking punitive damages against them personally.

At this point, the City has no choice but to respond to the recent lawsuit through the judicial process. The City remains committed to responding to the legitimate concerns expressed by community members and will seek a court order requiring removal of this religious symbol from public park land.

For updates regarding this matter, please visit the City of Albany website:

<http://www.albanyca.org/our-city/hot-topics/albany-hill-cross>

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