

For the International Municipal Lawyer's Association - IMLA's 5 things to know for November 27th

1. Who's minding the store? Remember Ferguson? The Associated Press reported the other day that the city has paid almost \$500,000 to a monitor contracted to delve into the issues there and help improve the city's police and community outreach. It also reported that the city has little to show for the money. The monitor who has since quit was paid \$685 per hour, I'm guessing the city attorney wasn't billing nearly so much. Are monitors just a way to punish a city and boost profits for a law firm? The per household cost right now exceeds what a household would pay for the city's streets supplies and services budget for the year. IMLA believes DOJ needs to step up to the plate and do a better job monitoring the monitors and create a more transparent system.

http://www.stltoday.com/news/local/metro/ferguson-leaders-wonder-if-monitors-worth-city-has-paid/article_6370a337-d1f7-5ab2-8937-ef3e946861b1.html

2. In IMLA Programming:

The Mega Bundle is here for the holidays and allows members and non-members to sign up for the Conference in Houston, our Webinar Subscription Series and the Section 1983 program and Seminar for one great price.

<http://imla.org/images/links/2018/2018MegaBundleDeal-FINAL.pdf>

3. The Federal Communications Commission (FCC) in an Order issued November 16 has acted to eliminate protections for historic properties and areas by determining that replacement utility poles that have no potential effect on historic properties do not need to complete historic preservation review. The order defines replacement poles to include those will be placed within ten feet of the original and allows that they be either 5 feet or 10 percent greater than the original height whichever is greater. The order also discusses building mounted antennae.

http://transition.fcc.gov/Daily_Releases/Daily_Business/2017/db1117/FCC-17-153A1.pdf

4. In Eugene, Oregon, long time city attorney Glenn Klein is stepping down. Glenn has been with the city since 1989 and has been city attorney since 1995. He created an in-house law department and saved the city millions over the past 5 years by doing so. Eugene has been very fortunate to have Glenn and we congratulate him and Kathryn Botherton who has been named acting city attorney.

<http://registerguard.com/rg/news/local/36178183-75/glenn-klein-stepping-down-as-eugene-city-attorney.html.csp>

5. Here's a practice reminder from New York's highest court where it recently dismissed an appeal involving a decision affirming the requirement that a Plaintiff must file a timely notice of claim to sue the city. Many states have notice of claim provisions and they are an important tool for allowing local governments to quickly investigate the cause of an alleged injury and address the problem if there is one. They are also an important defense. Make sure the plaintiffs have timely filed their notice of claim in states where you can raise that defense.

Grajko, v. City of New

York, <https://www.nycourts.gov/ctapps/Decisions/2017/Nov17/SSM27ent17-Decision.pdf>

Intermediate court decision: http://courts.state.ny.us/Reporter/3dseries/2017/2017_04203.htm

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