

For the International Municipal Lawyer's Association - IMLA's 5 things to know for December 4<sup>th</sup>.

1. The Supreme Court issues orders today in which it will deny certiorari to most of the cases it reviewed at conference on Friday. On Friday, it granted certiorari in one case and today, the court will hear arguments about sports betting and whether Congress can commandeer state legislative processes by adopting legislation prohibiting state legislatures from de-regulating gambling. Congress, no doubt has the authority to act to prohibit interstate sports gambling under the Commerce Clause, but apparently fears to do so directly. It's a toss-up so the odds are 50/50 on this one.
2. On Friday, the 7<sup>th</sup> Circuit handed a victory to a township in Illinois in a really interesting dispute over an assessment. A couple of assessors went to a property to value it with its new pool and one of the owners' dogs bit the assessor. The township and the assessor sued the property owner who didn't take it kindly. The owner began a petition campaign on change.org to keep township officials from trespassing. When the owner's valuation went up almost 50% and was the only property in the township to increase in value, the owners filed an appeal. Lots going on this one, but long story short they sued for violations of their First Amendment and Fourteenth Amendment rights. They lost. I'd be looking for a petition for certiorari on this one.

COSGRIFF, v. COUNTY OF WINNEBAGO, et al., <http://media.ca7.uscourts.gov/cgi-bin/rssExec.pl?Submit=Display&Path=Y2017/D12-01/C:17-1396:J:Kanne:aut:T:fnOp:N:2070664:S:0>

3. In Manchester, New Hampshire the city settled a suit recently for \$89,000 after a judge concluded that it was violating the constitutional rights of panhandlers when it cited them for disorderly conduct. The city is working on several remedies to resolve the recurring problem of people soliciting passing motorists and creating traffic tie-ups and endangering themselves and others. From a national perspective the case reaffirms a continuing problem for Americans, the plaintiff panhandler in this case is a veteran which seems far too often a problem – veterans homeless and living on the street.

[http://www.unionleader.com/Manchester-panhandler-gets-\\$89k-to-settle-lawsuit](http://www.unionleader.com/Manchester-panhandler-gets-$89k-to-settle-lawsuit)

4. In San Francisco, a report supports the city's interest in becoming the first city owned public bank. One of the factors in considering to establish a city owned bank arises from the growing cannabis business in California. The federal banks reluctance to deal with the industry makes most transactions cash transaction requiring businesses to carry around large bags of cash to pay bills including taxes. The report indicates that the city has the authority to establish and operate the bank but that it may take a couple of years to get up and running should the council vote to do so.

<http://www.sfexaminer.com/san-francisco-advances-toward-launching-public-bank/>

5. Attacks on Home Rule crop up every day and a significant issue in Colorado involves the question of whether a state ethics committee can intrude on local governance. The Colorado Municipal League recently submitted an amicus brief arguing that Home Rule precludes the state's commission from intruding. IMLA members took an active role in writing and submitting the brief on behalf of the league and their respective cities and

counties. A tip of the hat to Sam Mamet who as Executive Director of the Colorado League continues to be one of the leading defenders of Home Rule in the United States.

[http://www.reporterherald.com/lovelandreporter-herald/ci\\_31496353/loveland-joins-home-rule-cities-protest-state-involvement](http://www.reporterherald.com/lovelandreporter-herald/ci_31496353/loveland-joins-home-rule-cities-protest-state-involvement)

<http://www.cityofloveland.org/home/showdocument?id=37717>

Don't forget – on December 6 we're offering a webinar that discusses how King County recovered over \$130 Million from sureties and a contractor in a construction contract dispute and our Holiday Mega Bundle package expires soon. Sign up at [www.imla.org](http://www.imla.org). Not a member? Contact us. Have a great day and make it an inspirational one.