

For the International Municipal Lawyer's Association - IMLA's 5 things to know for November 28th

1. Recently Scotusblog cited a case involving a county as a "Petition of the Day". The case seems a strange one to consider as there seems to be no real circuit split on any material issue. The case: *Medrano-Arzate v. May* involves the question of whether a person must intend the constitutional violation to be liable. The case involves an auto accident where a deputy sheriff responding as back-up on a domestic call ran into another vehicle killing the passenger. A constitutional violation or an auto accident – I'd say you be the judge, but for now it's up to the Supreme Court to determine whether to grant certiorari.

<http://www.scotusblog.com/case-files/cases/medrano-arzate-v-may/>

2. In Rehoboth Beach, the city council is considering changing its charter to allow artificial entities to vote among other changes. Apparently, Rehoboth Beach would not be the first city to offer this option. The concept, frankly, is a bit mind boggling as it would allow only a limited number of votes per artificial entity and only if certain percentages of ownership were met. City solicitor Glenn Mandalas points out that under the proposal "The entity itself would not have a vote, so there would be no proxy voting of any type"

<http://www.delmarvanow.com/story/news/local/delaware/2017/11/27/rehoboth-beach-llcs-vote/872072001/>

3. In a recent note, the Seattle Times discussed the opening of a new "Tiny House" site for the homeless. Seattle is seen as one of the leaders in addressing its expanding problem of homelessness. Its program of using public land to place "tiny houses" for the use by organizations housing the homeless is one of the first of its kind in the country. The Kitsap Sun recently published an article looking into that county's interest in mimicking Seattle's program and offers some great insight into the program.

<https://www.seattleweekly.com/news/tent-city-5-campers-move-to-interbay-tiny-house-village/>

<http://www.kitsapsun.com/story/news/local/2017/11/17/tiny-houses-homeless-promising-not-panacea/872888001/>

4. IMLA filed an amicus brief yesterday in the 9<sup>th</sup> Circuit supporting police officers in Honolulu in a case where IMLA believes the District Court erroneously ruled that the officers should not be accorded qualified immunity. The case is *SILVA, v. CHUNG*. A big hats off to Dan Lloyd Assistant City Attorney in Vancouver Washington and Adam Rosenberg with WILLIAMS KASTNER in Seattle for doing our brief in this case. The court denied summary judgment mistaking disputes as to law for disputes as to facts in a case alleging excessive force.
5. Yesterday, the Supreme Court did not grant any new cert petitions. It denied certiorari in two cases where lower courts had upheld bans involving guns. In one case the lower court had upheld Florida's ban on open carry and in the other the lower court upheld Maryland's ban on semi-automatic assault weapons and large capacity magazines. Thus, these measures in these states remain in effect. In a dissent to a denial of certiorari, Justice Thomas raised the concern that the court should be relooking at how decisions regarding Indian lands are made pointedly noting that states could lose sovereign power over large swaths of land involuntarily – a result unlikely intended by the framers of the Constitution.

<http://www.scotusblog.com/2017/11/no-new-grants-court-denies-review-gun-rights-cases/#more-264365>

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