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Ten Tips for Lawyer Well-Being in the Age of Coronavirus

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CONTENTS

MAY / JUNE 2021

TEN TIPS FOR LAWYER WELL-BEING IN THE AGE OF CORONAVIRUS

By: Chris Ritter, Director, Texas Lawyers Assistance Program, Austin, Texas

While undoubtedly rewarding, the legal profession is often filled with extraordinary demands that compromise personal time and intrude on family relationships. There are techniques and resources to help reduce stress, fight anxiety and regain control.

PAGE 6

FIRST AMENDMENT PROTECTION OF PROFANITY AND OTHER OFFENSIVE PARAPHERNALIA DISPLAYED IN THE PUBLIC'S VIEW

By: Sherri Russell, City Attorney, Lake Jackson, Texas

The 2020 presidential election merely revealed the accelerating trend towards public expression employing language that hitherto would have been considered profane. The ruckus is not new, and however inappropriate and discomfiting, mere profanity cannot be the object of municipal regulation.

PAGE 12

AVOIDING A COLLISION WHEN CODE ENFORCEMENT AND FAIR HOUSING INTERSECT

By: Patricia (Trish) Link, Assistant City Attorney, Austin, Texas

Rigorous enforcement of local codes can easily run afoul of federal laws enacted to protect the disabled, and can undermine efforts by unrelated adults to cohabit in lieu of entering nursing facilities.

PAGE 18

DEPARTMENTS

PAGE12, 6, ILLUSTRATIONS BY TRUJILLODESIGN

24 PETS
Pet-Friendly Government Subsidized Housing: Good for Taxpayers and Pets
By: IMLA, Rockville, Maryland and Best Friends Animal Society, Kanab, Utah
Programs which encourage pet ownership and conserve public funds.

28 INTERNATIONAL
Spain as the "State of the Autonomies"
By: Celia Guillot Rabanal, Head of the Administrative and Legal Support Office, Barcelona Provincial Council
An interview and history lesson from a new ALEL colleague.

30 AMICUS
Fighting Preemption of Public Health Measures
By: Amanda Karras, IMLA Deputy General Counsel and Director of Legal Advocacy
The continuing battle for municipal authority over local health issues.

34 HOMELESSNESS
Campgrounds on Main Street: The Persistence of Transience
By: Erich Eiselt, IMLA Assistant General Counsel
The complexities in municipal response to sidewalk dwellers.

36 INSIDE CANADA
COVID Rules, Heritage Buildings, Nameless Complainers, and More
By: Monica Ciriello, Ontario 2015
Recent cases of interest.

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ALEL INTERVIEW

IMLA RECENTLY INTERVIEWED ALEL'S **CELIA GUILLOT RABANAL**, HEAD OF THE ADMINISTRATIVE AND LEGAL SUPPORT OFFICE, BARCELONA PROVINCIAL COUNCIL.

IMLA: Celia, tell us a little about your legal career-

Celia: I've been practicing law since 2004. I received my law license from the Autonomous University of Barcelona, as well as a master's degree in tax and a diploma in superior studies, specializing in public law and a degree in local government law. I began my career specializing in tribunal law, but I currently specialize in administrative law, local law, and management of protected natural areas. I am responsible for the management and coordination of the Administrative and Legal Support Office of the Provincial Council's Management of Natural Space Services.

IMLA: Thank you. In your very informative companion article about the formation of the Spanish State, you describe Spain's 17 Autonomous Communities. How does Barcelona fit into that structure?

Celia: The Provincial Council of Barcelona is the governing and administrative body of the Barcelona province, which together with Tarragona, Lérida and Gerona, are the four provinces of the Autonomous Community of Catalonia. The Barcelona province is made up of 311 municipalities, with their respective town halls, among them the prominent International Barcelona Olympic headquarters in 1992. The Provincial Councils are supra-municipal bodies, responsible for guaranteeing the principles of inter-municipal solidarity and balance and ensuring comprehensive and adequate services throughout the provincial territory. The Autonomous Communities, including Catalonia, are permitted by law to create regions territories that group various municipalities apart from the province. In the province of Barcelona, there are 11 regions called Comarcas, each of which is governed by a Regional Council. The Provincial Council of Barcelona manages the province of Barcelona and its main capability is to support the Town Halls, especially those with the smallest populations, because the laws require them to provide the same services even with fewer technical and economic resources.

IMLA: Who do you represent in your position?

Celia: The Administrative and Legal Support Office is part of the Natural Spaces Services Management, which manages the network of parks and natural spaces in the province of Barcelona. The Management is made up of three technical offices and ours. We oversee budgets, contracting, agreements with public and private entities, and employees, and manage the heritage of the network of parks, as well as being a legal advisor to the tech offices. The Natural Spaces Services Management is atypical within the Provincial Council of Barcelona. mainly because our work is the concrete management of some territories that are granted to us or delegated to us by the Generalitat de Catalunya (governing body of the Autonomous Community of Catalonia) or by special urban plans that regulate these spaces. Most of the clients the Provincial Council manages are usually the Town Halls.

IMLA: What do you like the most about your job, and about ALEL?

Celia: The thing I like the most about my job is that it's very dynamic and I work with different branches of law. Managing Barcelona's parks covers diverse topics such as urbanism, administrative law, forest management, biodiversity protection, and the environment. I can say that I never get bored! And what I like most about ALEL is sharing questions and experiences with colleagues all over Spain.

IMLA: Tell us something about Barcelona that most people don't know—if someone had a day to spend in Barcelona, what should they see?

Celia: Barcelona is a very beautiful city, but I live in one of its most unknown areas. It's called "Nou Barris" ("nine neighborhoods" in Catalan) and has its district headquarters in the old Mental Hospital of Santa Cruz, which is a majestic building from the late nineteenth century. In terms of highlights, I would recommend that you visit the Torre de les Aigües Gardens, the town of Call, the Boqueria market, the town of Barceloneta, and inside the Casa Batlló i de la Pedrera.

IMLA: If you could visit anywhere in the United States, where would you go?

Celia: I would really like to visit Washington DC, because I have family who lives there, and New Orleans because it looks like a city with a lot of rich culture. I have already had the good fortune of seeing New York, Chicago, and San Francisco.

IMLA: Thank you. And what are your recommendations for Spanish traditions—and foods?

Celia: I really like "carrefocs," a Catalan Catalan, Balearic, and Valencian tradition. It consists of people disguising themselves as demons that parade in the streets carrying sticks with firecrackers and flares. My two favorite dishes are black pudding or "blood sausages" from the León region and "calçots," which is a type of green onion.

MLA: And finally, asking about one of the world's most famous architectural projects, will the Sagrada Familia be completed in your lifetime?

Celia: I hope so!

THE SPANISH TERRITORIAL STRUCTURE: SPAIN AS THE "STATE OF THE AUTONOMIES"

BY: CELIA GUILLOT RABANAL



Governments of the Autonomous Communities of Spain as of March 2021.

In 1978, with the adoption of its Constitution, Spain became a parliamentary monarchy, and a new democratic stage began in our country after almost 40 years of dictatorship. The Constitution opens the way to the "state of autonomies," recognizing and guaranteeing in its Article 2 the right to autonomy of all nationalities and regions that make up the Spanish state, as well as solidarity between all of them, confirming the fact that Spain is a multinational and multilingual state:

> The Constitution is based on the indissoluble unity of the Spanish Nation, the common and indivisible homeland of all Spaniards; it recognizes and guarantees the right to self-government of the nationalities and regions of which it is composed and the solidarity among them all.

The Constitution did not require the formation of Autonomous Communities, but rather recognizes the right to their formation by combining various of Spain's 50 provinces. It establishes that neighboring provinces with common historical, cultural and economic characteristics, island territories, and individual provinces with a "historical regional entity" can assert self-government and become Autonomous Communities upon the approval of their corresponding "Statute of Autonomy," which acts as the basic institutional foundation of each Community.

The Spanish State of Autonomies is made up of a total of 17 Autonomous Communities and two Autonomous Cities, Ceuta and Melilla, which are located in North Africa and obtained their status in 1995. The Communities are territorial entities with legislative, economic, and governmental autonomy that emanates from the Constitution itself and from their Statutes of Autonomy approved for this purpose. Each Community comprises a number of provinces (except the Community of Madrid, which was formed from a single province) and within each province are numerous municipalities—the basic political entity affording residents the prerogatives of limited local government.

The Constitution establishes a differentiated competence system in its articles 148 and 149, by virtue of which the Communities are granted their own powers in different matters, which may be included in their Statutes of Autonomy. This has led to the fact that in the Spanish State some Communities enjoy broader political autonomy than others.

The Constitution also reserves numerous "exclusive competences" to the Spanish State, including foreign affairs and defense. These allow the State to establish basic and common rules for the entire national territory and serve as an umbrella of equality for all Spaniards. Communities can develop basic norms thanks to their legislative autonomy, but can never contradict the State's exclusive competencies. Among other things, Communities cannot form alliances or erect barriers to the free flow of people and goods.

The evolution of this basic authority of the State and its subsequent legislative deployment at the hands of the Communities has given rise to various conflicts between the State and Autonomies, disputes that are resolved by the Constitutional Court, the highest judicial body and supreme interpreter of the Constitution, that defines and interprets our jurisdictional system.

If the Spanish territorial structure is analyzed, it follows that we are not a federal state "*stricto sensu*," but rather a federal court structure. The Constitution allows a certain degree of decentralization of political power; Spain is a unitary state insofar as there is a single sovereign people, from which all its powers emanate. But, at the same time, it is close to the federal state in which the Communities enjoy legislative capacity, although they lack constituent power.

The Constitution recognizes the autonomy, but not the sovereignty, of the nationalities and regions that make up the Spanish State. This is how the Constitutional Court itself interprets it:

> It is not the result of a pact between historical territorial instances that preserve rights prior to the Constitution and superior to them, but a norm of the constituent power that is imposed with general binding force in its field, without leaving out previous historical situations.

Spain is a multifaceted country in which diverse national and regional identities coexist, with complex territorial planning and management that is not without tensions. But this is the cultural, territorial, and political wealth of our country, which is why from the ALEL we invite you all to get to know us, not only through these articles, but also by encouraging you to visit our towns and cities.