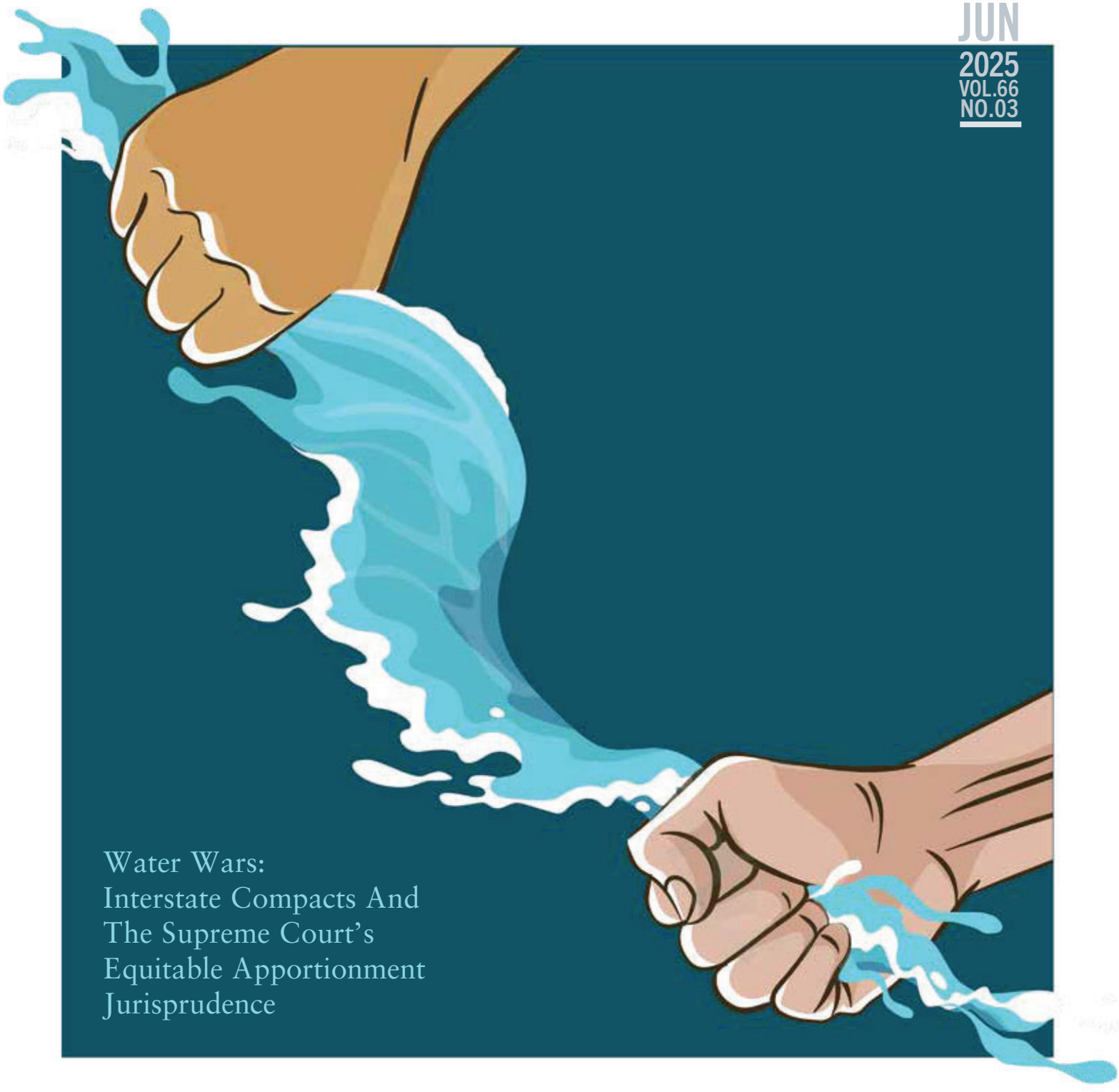
IMLA

Municipal Lawyer

THE JOURNAL OF LOCAL GOVERNMENT LAW

MAY JUN
2025
VOL.66
NO.03



Water Wars: Interstate Compacts And The Supreme Court's Equitable Apportionment Jurisprudence

OFFICERS
President
Jeffrey Dana
City Solicitor
Providence, Rhode Island
President Elect
Susana Alcala Wood
City Attorney
Sacramento, California
Immediate Past President
Rose Humway-Warmuth
City Solicitor
Wheeling, West Virginia
Treasurer
Beth Anne Childs
Town Attorney
Bristow, Oklahoma
General Counsel and Executive Director
Amanda Karras
International Municipal Lawyers Association
Rockville, Maryland
Board of Directors
Chris Balch
City Attorney
Pine Lake, Georgia
James R. Benjamin
County Attorney
Baltimore County, Maryland
Shauna Billingsley
City Attorney
Franklin, Tennessee
Alan Bojorquez
City Attorney
Buda, Texas
Bradford Cunningham
Town Attorney
Pelion, South Carolina
Jeff Dorocak
City Attorney
Las Vegas, Nevada
Brian Loewen
Director of Legal Services
Lethbridge, Alberta
Wynetta Massey
City Attorney
Colorado Springs, Colorado
Paige Mims
City Attorney
Plano, Texas
Morgain Patterson
Director of Municipal Law & Training
Kentucky League of Cities
Lexington, Kentucky
Kimberly Rehberg
City Attorney
Durham, North Carolina
Todd Sheeran
City Attorney
Herriman, Utah
Amanda Stanley
City Attorney
Topeka, Kansas
Jennie Granahan Tarr
Chief Assistant County Attorney
Hillsborough County Hospital Authority
Tampa, Florida
Nancy Thompson
City Counselor
Columbia, Missouri
Randall Van Vleck
Town Attorney
Kirtland, New Mexico
Wendy Walberg
City Solicitor
Toronto, Ontario
Jeannine Williams
Chief Assistant City Attorney
St. Petersburg, Florida

CONTENTS

MAY / JUNE 2025

WATER WARS: INTERSTATE COMPACTS AND THE SUPREME COURT'S EQUITABLE APPORTIONMENT JURISPRUDENCE
By: Thomas E. Powers III, Senior Assistant City Attorney, Charlotte, North Carolina and Elizabeth Fadl, Law Clerk, North Carolina Court of Appeals, Raleigh, North Carolina
Few resources are more critical to the vitality of local communities than adequate fresh water. Where more than one state seeks to tap an interstate river, comprehensive sharing arangements are essential. As our authors explain, the paths to enforceability are lengthy and complex, and lead to resolution before the Supreme Court.
PAGE 6

VEXATIOUS RECORDS REQUESTS: THE WEAPONIZATION OF OPEN RECORDS LAWS
By: Joseph G. Lauber, Managing Member, and Lindsey Kolisch, Associate Attorney, Lauber Municipal Law, Lee's Summit, Missouri
At the heart of democratic transparency is the public's right to receive and review governmental records. But that prerogative can quickly become a vehicle for harassment and confrontation, saddling localities with contentious and costly document demands. Governments are responding accordingly, enacting reasonable limits and curbing undue burden.
PAGE 12



DEPARTMENTS

18 THOMPSON SCHOLARSHIP WINNER
Indiana and Discretion in the Realm of Property Rights: A Primer for Mayors
By: R. Colby Wicker, University of Indiana Maurer School of Law, Bloomington, Indiana
Perspectives on annexation, eminent domain, and zoning.

22 OP ED
The Case for Capping Damages in Section 1983 Reversed Conviction Lawsuits
By: Avi Kamionski, Founder, Nathan & Kamionski, LLP, Chicago, Illinois
A proposal to curb runaway awards.

24 INSIDE CANADA
Continuing Omissions, Cannabis Licenses, and Re-Zoning Bylaws
By: ACM Consulting and Legal Services, Edmonton, Alberta
Recent Canadian cases of interest.

26 FIRST AMENDMENT
Time Restrictions on Adult Entertainment: Crime Prevention Lessons from Dallas
By: John L. Worrall, Ph.D., Director of Graduate Studies, Criminology and Criminal Justice Program, University of Texas, Dallas, Texas
The probative value of studies demonstrating secondary crime.

32 PRACTICE TIPS
Coexisting with Special Districts and Franchised Utilities after Annexation
By: John Dorman, Of Counsel, Spencer Fane LLP, Oklahoma City, Oklahoma
When annexation becomes contentious.

34 IMLA MID-YEAR AND AMICUS AWARDS
Recognizing Our Pro Bono Contributors
By: Erich Eiselt, Editor
IMLA's perennial DC gathering and amicus award proceedings

STAFF

EXECUTIVE EDITOR
Amanda Karras

EDITOR
Erich R. Eiselt

EDITORIAL STAFF
Avery Morris

ART DIRECTION AND PRODUCTION
Trujillo Design

MARKETING
Caroline Storer

Views appearing in *Municipal Lawyer* are those of the authors. Publication of articles in this magazine does not reflect a direct or implied endorsement of an author's views. © Copyright 2025 by the International Municipal Lawyers Association (IMLA). All rights reserved. IMLA is a non-profit professional association of municipal lawyers from across the United States and Canada, offering its members continuing legal education courses, research services, litigation assistance on amicus briefs and an information-sharing network in the field of municipal law. *Municipal Lawyer* is IMLA's membership magazine, published bi-monthly. For membership information contact: IMLA, 51 Monroe Street, Suite 404, Rockville, Maryland 20850, phone: (202) 466-5424, or e-mail: info@imla.org. Contributions of articles are welcome; email eeiselt@imla.org. *Municipal Lawyer* reserves the right to refuse or edit manuscripts submitted for publication.

IMLA MID-YEAR AND AMICUS AWARDS

IMLA's annual spring meeting in vibrant Washington DC--a chance to learn, reconnect with colleagues, and celebrate the contributions of our amicus authors!





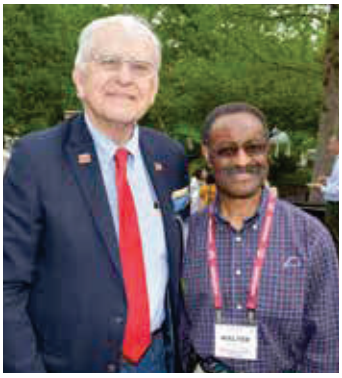


































IMLA AMICUS AWARDS

Guerra v. Aleman
Supreme Court Petition
PATRICK M. KANE
Fox Rothschild LLP
Greensboro, North Carolina

Gonzalez v. Trevino
Supreme Court Merits
HARKER RHODES
MARIEL A. BROOKINS
Clement & Murphy PLLC
Washington DC

Chiaverini v. Evanoff
Supreme Court Merits
JORDAN GOLDBERG
JOSEPH SITZMANN
GREGORY G. GARRE
Latham & Watkins LLP
Washington DC

City of Grants Pass v. Johnson
Supreme Court Merits
BRANDON RAIN
City of Seattle Law Department
Seattle, Washington

Simon v. City and County of San Francisco
Ninth Circuit
ARTHUR HARTINGER
RYAN MCGINLEY-STEMPEL
Renne Public Law Group
San Francisco, California

Tekoh v. Vega
Supreme Court Petition
MICHAEL RAUPP
Husch Blackwell
Kansas City, Missouri

Lackey v. Stinnie
Supreme Court Merits
JOSHUA A. SKINNER
BENJAMIN J. GIBBS
City of Arlington Law Department
Arlington. Texas

Love v. Villicana
Ninth Circuit
AMY E. HOYT
GREGG W. KETTLES
Best Best & Krieger LLP
Washington DC

Bondi v. VanderStok
Supreme Court Merits
JOHN J. KORZEN
Wake Forest School of Law
Appellate Advocacy Clinic
Raleigh, North Carolina

Barrani v. Salt Lake City
Utah Supreme Court
FREYJA JOHNSON
The Appellate Group
Salt Lake City, Utah

Gardner v. Salt Lake City
Utah Supreme Court
FREYJA JOHNSON
The Appellate Group
Salt Lake City, Utah

City and County of San Francisco v. EPA
Supreme Court Merits
J.G. ANDRE MONETTE
SHAWN HAGERTY
ANA D. SCHWAB
Best Best & Krieger LLP
Washington DC

Stanley v. City of Sanford
Supreme Court Merits
MEAGHAN VERGOW
TIMUR AKMAN-DUFFY
NINA OAT
CARLY REED
O'Melveny & Myers LLP
Washington DC

E.M.D. Sales v. Carrera
Supreme Court Merits
COLIN D. DOUGHERTY
Fox Rothschild
Blue Bell, Pennsylvania

Nelson v. Sellers
Supreme Court Petition
CHRISTOPHER D. BALCH
Balch Law Group
Atlanta, Georgia

Cicero v. Pennsylvania Public Utilities Commission
Pennsylvania Supreme Court
SCOTT E. COBURN
Pennsylvania State Association of Township Supervisors
Enola, Pennsylvania

City of Seattle v. Kia/Hyundai
Ninth Circuit
CHARLENE KOSKI
PATRICK REIMHERR
Van Ness Feldman LLP
Seattle, Washington

Sheetz v. County of El Dorado
California Court of Appeals
AUSTIN M. YANG
KRISTEN A. JENSEN
San Francisco City Attorney's Office San Francisco, California

Perttu v. Richards
Supreme Court Merits
ANDREW HESSICK
University of North Carolina School of Law
Chapel Hill, North Carolina
RICHARD SIMPSON
Wiley Rein LLP
Washington DC

McGlaughlin Chiropractic Associates Inc. v. McKesson Corp.
Supreme Court Merits
BRIAN WEIR
TIFFANY H. BATES
Consovoy McCarthy PLLC
Arlington, Virginia

City of Milton v. Chang
Georgia Supreme Court Petition
CHRISTOPHER D. BALCH
Balch Law Group
Atlanta, Georgia
THOMAS M. MITCHELL
Carothers & Mitchell, LLC
Buford, Georgia
J. ANDERSON DAVIS
Davis Lucas Carter LLP
Rome, Georgia

Baltimore County v. Scott
Supreme Court Petition
STEVEN M. KLEPPER
CHRISTOPHER C. JEFFRIES
B. SUMMER HUGHES NIAZY
Kramon & Graham P.A.
Baltimore, Maryland

Ames v. Ohio Dep't of Youth Services
Supreme Court Merits
NADIA A. SARKIS
KELLY SHEA DELVAC
ELLIE S. RUTH
Miller Barondess LLP
Los Angeles, California

FCC v. Consumers' Research
Supreme Court Merits
TILLMAN L. LAY
GREG CAFFAS
BENNETT GIVENS
Best Best & Krieger LLP
Washington DC

Marks v. Bauer
Supreme Court Petition
DAVID J. ZOLL
MICHAEL KINANE
Lockridge, Grindal, Nauen PLLP
Minneapolis, Minnesota

City and County of Baltimore v. BP PLLC
Maryland Appeal Court
ROBERT S. PECK
Center for Constitutional Litigation, P.C.
Washington DC

Texas v. City of Austin
Texas Court of Appeals
MICK McKAMIE
Taylor, Olsen, Adkins, Sralla & Elam, LLP
Austin, Texas