

IMLA 2016 Fellows Exam

Question 1.

You are the newly appointed City Attorney for Evangelical City. At your first City Commission meeting, the Mayor, a devout Christian, asks you if the pastor from her church can be named the City's Chaplain and be asked to provide the invocation before each Commission meeting as well as the Planning Board and Board of Adjustment and Appeals meetings. She tells you that 92.6% of the residents of Evangelical City are members of the same church. The community is deeply religious and wants to hear from their pastor before the important decisions of the City are made every other Tuesday. The Mayor also wants to know if Evangelical City can pay the pastor.

The Vice Mayor pipes in that there is only one real church in Evangelical City and he is not concerned with the First Amendment to the U.S. Constitution because it doesn't apply in Evangelical City where the Mayor and Commissioners should be able to do what the vast majority of the residents want. The Mayor concludes the discussion by saying if you give them an opinion that they must continue to allow invocations from other religions, then she is going to have her pastor review and approve all invocations of these other religions before they are offered.

After the meeting, you speak with the City Clerk and find out that the invocation is typically given by a local religious leader who volunteers to provide that evening's invocation. The City does not currently review the invocation prior to the meeting. In the event there is not a local religious leader present to give the invocation, the Vice Mayor will provide the invocation, which is usually a reading out of the bible. Prior to the invocation, the Mayor strongly asks that those in attendance stand. She also tells you that a newly elected commissioner, who led the charge to fire your predecessor, is a devout Muslim and will not support limiting the invocations to one religion. Finally, she advises you that the Planning Board and Board of Adjustment and Appeal have never before started their meetings with an invocation.

Once a year the City Clerk sends a letter to each church or religious establishment within the tri-county area surrounding Evangelical City. The letter asks for volunteers to offer the invocation at the City Commission meetings during the year. In the past few years, the only religious leader from a religious institution located in Evangelical City to offer the invocation is the pastor from the Mayor's church. However, invocations from Catholic, Buddhist, Islamic, Jewish, and atheist leaders who are located in the surrounding areas have been allowed.

At the City Commission meeting, a citizen who sued the School Board recently because it required his son to say the Pledge of Allegiance, including the words "under god", in a section 1983 lawsuit, spoke out against the Mayor's idea. He is represented by Big Shot, an ACLU attorney. The citizen claimed that having an invocation is a violation of the Establishment Clause and of the separation of church and state and that limiting the invocation to one religious leader will violate his First Amendment rights. He threatened to take Evangelical City to the cleaners with Big Shot's help if you allow the Mayor to hire her pastor.

Your written opinion to the Mayor must address the Mayor's request, as well as the legality of the City's current practice.

Question 2.

Four years ago, on January 2, 2012, three police officers from the department you represent attempted to serve an arrest warrant on a residential burglary at the home of the suspect's girlfriend. The police were allowed into the back yard by the girlfriend's mother, and when told what was wanted, the mother went into her house and to alert the suspect and her daughter. When the suspect came outside the house, the police started to serve the warrant. The suspect resisted arrest, and then turned and pulled something metallic out of his pocket. As he was turning back to towards the police, an officer yelled "Gun," and three officers fired. The suspect was holding a semi-automatic revolver and died as a result of being shot.

Representatives of the decedent's estate filed suit on March 2, 2016. Your state has a three year statute of limitations for tort actions. In addition to a claim under 42 U.S.C. § 1983 for an unconstitutional use of deadly force, the estate of the deceased claims that the police covered up the details of the offense. In its initial request for discovery, plaintiff's counsel seeks access to the disciplinary records of three police officers. This discovery also seeks access to all deadly force files for the ten year period prior to this shooting, and for the period after the shooting to the filing of the litigation.

One of the officers began working as a homicide detective in 2014, but was working in the burglary division at the time of the shooting. During discovery in an unrelated felony assault of an officer in state court, criminal defense counsel has moved for production of the police personnel file, including the disciplinary history, for this detective. Your office finds out the day before the file is due from your Human Resources Department.

QUESTION: Describe at least three pleadings that should be filed to address this factual scenario. Identify your State, and what state statute or case law you rely upon for your answer. Outline a brief in support of each motion, and any exhibits that may be necessary.

Question 3.

You are the City Attorney for Goodtown, a small community (under 20,000 residents). The management of the City is handled on a day to day basis by a City Manager, appointed by the elected City Council, which elects from its membership a Chair, Vice-Chair and Clerk. Although you report directly to the City Manager, you are appointed by the Council. The housing stock in Goodtown is a mix of newer homes and older homes. Some of the older homes have fallen into disrepair and the City has ramped up its code enforcement to ensure that occupants, many of whom are elderly or renters, are living in safe and code compliant housing and that the properties do not detract from other properties. Several of the problem properties are also delinquent in their taxes, thus creating a financial burden on the rest of the City. Some are also in various stages of foreclosure.

As City Attorney you are part of the code enforcement working group, which is led by the City Manager and made up of the inspectors from the health, building and fire departments. The City Council votes on taxes for the community, which funds the budget for all operations, including the working group, and the legal department.

The Chair of the Council has complained to the City Manager and you that there is a home across from her home that appears abandoned and is in bad condition. She claims that there may be squatters in the property engaged in illegal drug activity as well as lighting fires to keep warm. She also complains that the condition of this property is resulting in lessening the value of her property, which is making it harder for her to sell it and move to a condo. She understands that the working group only has so much time and resources, but would “appreciate it” if they would move this property up on the response list.

There is a meeting of the working group in a few days. Among the properties being discussed are the following:

1. 234 Offmain Street- while a single family house that appears to be rundown, it appears that there may be more than one family living here and that perhaps it is an unlicensed lodging/rooming house. The code enforcement working group wants to know how they can do inspections to find out exactly what the property is being used for and what the condition inside and outside is. There is a large stockade fence that surrounds the property, making it hard to see the exterior. One of the health inspectors received as a holiday gift a drone and has offered to fly it over and around the property to see what is happening both outside and inside.
2. 987 Willow Walk- this is a small apartment building that is poorly maintained. The occupants tend to be people of limited means and receiving governmental assistance. The fire escapes do not appear to be code compliant and the property needs a lot of repair work. The owner is a trust whose principals are from out of state. While the tenants report they pay their rent, the owner is way delinquent in paying the taxes and other municipal charges assessed against the property.
3. 567 Nice Street- this is the property that is across the street from the City Council Chair. The Chair has reported that it is rundown, appears occupied by squatters possibly engaging in illegal activities and is ruining the neighborhood. The owner of record has long ago died and it is unclear who owns the property or is otherwise responsible for it. The absence of an owner has

created problems as the working group and inspectors do not know who to deal with or who will comply with their orders.

4. 345 Business Block Way- This is the site of a small mall, with 5 stores. The parking area is a mess, with litter and overgrown grass and weeds. Several of the stores have broken windows with tape over them. The businesses located there all require local annual licenses. A bank has started a mortgage foreclosure action against the owner.

You need to prepare for the meeting so that you can advise the working group what steps exist under your state's law to address the plethora of problems these properties and others present.

The City Manager has also told you that the Chair of the Council has scheduled a hearing before the Council for the City Manager and code enforcement working group to appear and explain what they are doing to address these issues. The City Manager is concerned that discussing this publically may tip off property owners to the code enforcement and tax collection methods he expects you to advise on.

What advice will you give the code enforcement working group, the City Manager and how will you handle the hearing before the City Council?

Question 4.

In answering this question provide any relevant federal authorities as well as your own state's. Include any Constitutional provisions and statutes, federal or state, which impact your opinion.

You have been the city attorney for the charter city of Wellness in the State of Joy for approximately six months. The City is the largest city in the region (population 200,000) and enjoys regional shopping, health care services and good sales tax revenue from malls and other attractions. It has a large state university with over 19,000 students attending every year. It also has a large homeless population and attendant service agencies, some private and some public, and relies on grants to help provide services of various types. Other cities in the county have populations under 10,000, and adjoining counties have no city with a population over 14,500. At this point in time the City enjoys a good working relationship with the Circuit Court and the County officers. This has not always been the case and the current council and Manager have worked hard to establish trust and mutual beneficial relationships over the past five years. Election to County offices and local boards such as for the school district and water districts are partisan. A bond issue for a new police station is on the ballot in two weeks. Polling suggests it will be a close question.

The Charter provides for your office to be supervised by the City Manager, but appointed by the Mayor upon consent of a majority of the City Council. You may also be removed upon recommendation of the Manager or the Mayor with a two-thirds majority of the City Council. The Charter also provides that the Manager shall establish a merit system and the Council shall appoint a nine member personnel board to hear any appeals from discipline, which Council has done. All city elections are nonpartisan.

The Charter also provides that:

No City employee shall solicit or contribute any contribution for the campaign fund of any candidate for any City office or take part in the political campaign of any candidate for City Office. All employees may exercise their rights as a private citizen to express opinions and, if a registered qualified voter in City, to vote in any City election. Political affiliation, participation or contribution shall not be considered in making any City employment decision. No City Officer, Board member, Council member, Commission member or employee shall use official authority or official influence for the purpose of interfering with or affecting the result of an election to a City Office. No City Officer, Board Member, Council member, Commission member or employee shall directly or in directly coerce, attempt to coerce, command, advise or solicit a City employee to pay, lend, or contribute anything of value to a committee, organization, agency or person for the political or electoral purposes of any candidate for City Office. Any person violating this section thereby forfeits their office or employment.

The City Council has also approved the merit system set up by the Manager by ordinance and it provides that city employees may not file for, nor be elected, to any public office within the metropolitan statistical area of City. It also provides generally that any complaints about performance of other employees or violations of any laws, regulations, merit rules, policies or mission statement of the City shall be first reported to the first-line supervisor and only if the employee believes the supervisor has not acted or reviewed the complaint or allegation made shall it be taken up the chain of command to the next supervisor, then the Department Head and then the City Manager's office. There is also an

anonymous tip box in the first floor break room area of the main city offices that employees know is for complaints or turning someone in if the employee is afraid of retaliation. It is used at times. City policy calls for discretion in dealing with any County or district board office or employees and the merit system requires any violation of policies dealing with any other government to be reported to the Department Head first. The merit rules contain a prohibition on using City resources or staff for any political campaign or to take part in campaigns on City property or time. The merit system rules also set out what violations may result in progressive discipline as well as violations that may result in termination. One of the violations that may result in termination is taking action or engaging in behavior, or assisting another employee in taking action or engaging in behavior, that negatively impacts the relationship between the City and any other governmental body or which would result in a loss of trust by citizens or the employee or his/her unit or inability to adequately perform one's job.

Your day started great, having just returned from a short vacation, when at 8:15 am your phone rings. It is the City Manager. One of your assistants handled the Council meeting last night and has not yet reported to you. You have not had time to watch the meeting on the City's cable channel. The Manager asks that you meet with her at 10:00 am to discuss what happened. You start to watch the Council meeting and see a number of city employees in the Planning Department sitting in the background as the Council carries on its usual business. During one agenda item on a grant application for the Police Department DUI program, Martha Knowsit, a City employee in the Planning Department, stands up and speaks to Council. She identifies herself, tells the Council that her salary is funded by a combination of federal and state grants and she is responsible for making recommendations to the Manager and Council on how much of the various grants are used for different purposes and received by different area agencies, including personally reviewing applications for outside agencies such as the sheriff and the school district. She is also responsible for signing off on all expenditures that are then approved by the Assistant Planning Department Head before going to Finance. Knowsit then reads a list of complaints about her Department including allegations that federal grant funds have been improperly used by her supervisors. Knowsit announces that instead of passing through some monies to the sheriff's office for deputy overtime for warrant execution and outside counselors for inmates and the local school district for inmate educational efforts, the City has used money improperly and she gives the example of one first-line supervisor and one middle management supervisor taking two trips to conferences in Las Vegas and Orlando that discussed using grant funds for best practices for counseling and educating inmates. Knowsit announces this is the tip of the iceberg and she has notified her superiors several times in the past grant years about discrepancies in spending and accounting for grant funds, but nothing has happened. She tells Council she has also personally demanded changes in the charging of expenses within the grant funds, but her supervisors have done nothing. Council member Barry Doubtful, who is running against the Mayor, asks for the names of the supervisors who went on the trips which Knowsit shares. A number of Council members, including Doubtful, call for an immediate investigation by an outside agency. Doubtful announces that this is an example of yet another failure of the Mayor and the Manager to operate the City properly. The Mayor asks the Manager about this. As the camera pans to the Manager, you can see the audience and the looks on the faces of the Directors of Planning and Finance. They look shocked. The Assistant Director of Planning can be seen leaving through the back door. The Manager tells the Mayor this is the first he has heard of this complaint. The Manager responds that no complaint from Ms. Knowsit has been received in her office and no anonymous complaint has been received at any time by her either, but that she will look into it immediately. While the Manager is talking Knowsit can be seen sitting down with a smile on her face

and snickering. The other Planning employees clap her on the back. Doubtful moves to table the police grant and a majority of Council votes to do so.

You go to the Manager's office at 10:00, having reviewed the merit system and the Charter. Sitting there are also the Human Resources and the Planning Directors. Manager is just hanging up from talking with the Police Chief about the grant that had been on the agenda. The Mayor walks in and says, "There is a brand new blue Honda outside in the employee parking lot with Doubtful's bumper sticker on it and I could see it from the street as I drove up". He asks, "Whose car is it?" You are aware that Knowsit has just purchased a blue Honda and she drives her vehicle for work purposes as she meets with entities getting grants and speaking on the various grants in community settings, but say nothing. Council member Doubtful also joins the meeting. He announces that Knowsit was on a radio show this morning and said she has filed for school board. She took several calls from listeners on her priorities for the school district, but also on how much grant money should have gone to the school district but was spent on other things by the City. Doubtful thinks he might support her in her run for office because she is an honest person who tells it like it is. The Planning Director comments that Knowsit, an exempt employee, was an hour late this morning but had not indicated she would be late in advance. He opines she must have been on the radio show and that made her late. A constituent had to wait for her to come in.

As the others begin to discuss what Knowsit has done, the Mayor asks again whose Honda has a bumper sticker on it because he wants to know. Doubtful says that is irrelevant because what is important is fixing the mess the Mayor and the Manager have caused. It becomes established that no one at the table had heard any of Knowsit's complaints until last night. The Manager's secretary interrupts the meeting and says the sheriff is on the phone. The Manager leaves for a few moments and comes back to announce the initiative to do joint training with the County and City's new cadets is off. The sheriff has also stated the City may not use the County's firing range. The Mayor and Doubtful get up and leave saying they have other things to do and the Manager needs to fix this now. They both say Council needs to be briefed on how this mess went on so long. The Mayor reminds the Manager he wants to know who owns the blue Honda. Doubtful smiles as he leaves.

The HR Director tells the Manager she should put Knowsit on paid administrative leave while HR investigates the conduct. The Planning Director says he wants her gone today forever because she has created an atmosphere of lack of trust in the City. The school district superintendent called him this morning wanting to know about grant funds going somewhere else. The contact at the federal government granting agency has also called and wants answers and is planning to audit the Department's grants. If there are irregularities in the grants some of the funds may have to be paid back. Some employees, particularly the two mentioned by her at the meeting, were standing outside Knowsit's door staring at her when she got to work and she complained about that this morning already. The environment is not healthy this morning or productive. The Planning Director also noticed several cars with "Knowsit for School Board" bumper stickers on them parked in the last row of the employee lot where they are not visible from the street or the door to the building. All three turn and look at you.

What is your advice to the Manager and the HR and Planning Directors on how to "fix this"? What rights do any employees of the City have as the City works through this situation? Include the order actions or analysis should be taken if there is one.

Question 5.

A. You are the City Attorney for the City of Golden. By virtue of the City Charter the City Attorney provides legal services to the Mayor, City Council members, agencies, and departments. The City of Golden has encountered an unexpected revenue deficit and needs to raise additional revenue to meet its on-going operational expenses. The Mayor proposes to borrow money rather than increase the mill levy. The Mayor asks the City Attorney whether the Mayor may unilaterally borrow money on behalf of the City. State law and city ordinance allows the City of Golden to borrow funds in such a manner provided that the City Council adopts an ordinance authorizing the debt.

The Mayor referred the matter to the City Council for consideration. The City Council did not take action to adopt the required ordinance. Rather, it recommended that the Mayor negotiate a direct loan with lenders without City Council action. Acting with the verbal consensus of the City Council, the Mayor negotiates a loan on terms favorable to the City. The City Attorney believes this plan fails to comply with state statute and city code. The lender requests an opinion letter from the City Attorney opining that the City is exercising proper borrowing authority and that the debt will be a valid and binding obligation of the City. The Mayor and representatives of the City Council orally direct the City Attorney to issue the necessary opinion letter. They argue that the funds are necessary for the City to continue providing basic services and that the adoption of an ordinance is simply a formality unrelated to the economic issues at hand. The Council is also concerned that the interest rates will not be as favorable if there is a delay in closing the deal because of the need to adopt an ordinance.

The City Attorney speculates that the City Council would adopt the necessary ordinance if the lenders demanded that it do so. The City Attorney also believes that the favorable loan terms would no longer be available if the time were taken for the City Council to adopt an ordinance.

What are the City Attorney's ethical obligations under the circumstances? In particular, may the City Attorney:

1. Issue the requested opinion letter?
2. Advise the lenders that an ordinance is required to authorize the transaction, in order to pressure the City Council and Mayor to adhere to the law?
3. State publicly that such an ordinance is required to authorize the borrowing, in order to pressure the City Council and Mayor to adhere to the law?
4. Refer the Mayor to outside counsel to obtain the requested opinion letter?

B. Assume that when the Mayor learns of the budget shortfall the Mayor contacts the City Attorney regarding the City's borrowing authority. The City Attorney advises that the City may borrow for specific purposes if the City Council adopts an ordinance authorizing the loan. The Mayor believes the City Council will decline to adopt such an ordinance and will push for an increase in the tax levy instead.

After receiving this advice from the City Attorney, the Mayor asks for no further advice from the City Attorney. Without informing the City Attorney, the Mayor undertakes to negotiate a loan with lenders who are willing to accept the Mayor's representations regarding his authority to borrow funds on the City's behalf. The City Attorney learns of the Mayor's action after receiving an email from the lender.

The City Attorney questions the Mayor with these facts. The Mayor orders the City Attorney to cease all further inquiry regarding the transaction and to inform no one of what the City Attorney now knows.

What are the City Attorney's ethical obligations and options in these circumstances and why? In particular:

1. Must the City Attorney cease all inquiry?
2. Must the City Attorney comply with the Mayor's instructions to keep confidential the information the City Attorney has obtained?
3. Are there any other steps you would advise the City Attorney to take?
4. If asked, must the City Attorney issue an opinion letter supporting the actions of the Mayor?

C. Now assume that the Golden City Council favors borrowing of funds to meet the City's revenue shortfall. However, the Mayor opposes incurring debt and favors budget cuts instead. The City Council identifies a lender willing to enter into a loan agreement with the City. The City Council then passes the required ordinance authorizing the debt. The City Attorney advises the City Council that the contemplated borrowing would be lawful under the ordinance adopted by the City Council.

The Mayor then asks the City Attorney for advice regarding options following the adoption of the ordinance by the City Council, in particular, whether the Mayor can disregard an ordinance authorizing the borrowing of funds and simply undertake unilateral budget cuts.

The City Attorney begins to prepare a memorandum outlining the Mayor's options. A member of the City Council learns of the memorandum from the Mayor's assistant. The Council then adopts a resolution directing the City Attorney not to complete or deliver the memorandum to the Mayor. The Council claims there would be a conflict of interest for the City Attorney to advise the Mayor on how to frustrate actions the Council took based in part upon the City Attorney's advice.

1. Does the City Attorney have a conflict as contended by the City Council? Why or why not?
2. How should the City Attorney proceed?

Question 6.

You are the attorney for a local government in the midwestern United States. As spring approaches, the City Manager asks you to prepare a Memorandum regarding the City's preparedness in the event of a tornado or some other catastrophic event. Specifically, he asks you to include the following information:

1. The requirements for local governments in emergency situations that are imposed by state and federal laws.
2. A summary of your City's ordinances pertaining to emergencies.
3. Those policies and procedures that would be applicable in an emergency, including a summary of when they were last updated, current applicability, whether or not revisions should be made, and identification of any training associated with the policies and procedures.
4. Any Mutual Aid Agreements or other contracts that may be necessary in the event of an emergency.
5. A summary by position of all necessary parties in the event of an emergency, including line of succession, roles in an emergency, contact information, manning of the Emergency Operations Center, and identification of necessary contacts outside of the City organization.
6. Identification of any legal documents that would be necessary in the event of an emergency.
7. Identification of resources that might be useful to you, as the Chief Legal Advisor, in the event of an emergency.

In May, your City is struck by a tornado. Numerous residential and commercial structures are destroyed. Much of the City's infrastructure, including electrical wires, cable television, water, and sanitary sewer lift stations and distribution lines, is heavily damaged. Additionally, the Water Treatment Plant, the only source of potable water for your City, was damaged and is presently unable to produce water. Although no one lost their life in the tornado, there are numerous residents, including city employees, who were injured. Looting, price gouging, and disagreements between social services organizations regarding their role and proposed aid, only magnify the problems. With no electricity or running water and a cell phone that is rapidly losing its charge, you grab the Emergency Operations Notebook that you prepared following preparation of the City Manager's response. Describe what you have in the Notebook?

You arrive in the Emergency Operations Center. The City Manager, along with a quorum of the City Council is present. The City Manager and individual Council Members ask you to provide a summary of the following:

1. What are the implications of having a quorum of the City Council in the EOC? What actions do you recommend be taken to bring them into compliance with state and local laws?
2. How do you handle emergency purchases and retention of contractors to restore your City's services?
3. What mechanisms do you have in place to address the looting and price gouging?
4. What advice would you give to increase your city's opportunities to receive reimbursement of federal and state disaster funds?
5. Following the restoration of services, what if any actions would you have the City Council take?

Question 7.

Assume these facts for the following question:

You are the City Attorney for Hometown, USA. Hometown is a home rule municipality operating under the City Manager form of government. Assume Hometown operates all of the municipal functions of the largest municipal jurisdiction which you currently serve. Hometown's City Council has approved a new comprehensive plan, planning for additional growth, and has in place a zoning ordinance, and subdivision regulations, all in compliance with the requirements of your State law, as well as building codes and business licensing ordinances. During an average week, the following legal issue arises, requiring you to provide legal advice:

The City Manager, Mrs. Mayberry, has received a complaint about a large number of people residing in a residential structure in a district zoned for single-family residential use. Neighbors have researched the City's Police Department website and determined that a number of persons on the sex offender registry are listing this house as their home address. No permits have been issued by the City for converting the house into any type of use other than typical single-family residential as originally constructed. No licenses have been issued or requested for the operation of any business at the residence. The records of the City's Code Enforcement and Building Department offices indicate that the structure was in compliance with the building codes in effect at the time of its original construction. The structure does not appear to be in violation of any property maintenance or dangerous building codes from Mr. Inspector's observation of the building from the street. Mr. Inspector did notice six vehicles regularly parking at the house, which was more than other structures along the street.

Mr. Inspector checked with the local tax assessor's office and found that the tax ownership is listed as Cambridge House, Inc., which appears to have purchased the property within the last year. Mr. Inspector is familiar with other properties owned in the community by Cambridge House, Inc. being operated as group homes. He researched Cambridge House, Inc., with the Secretary of State and learned that it is registered as a non-profit organization, with the stated purposes of operating facilities to assist in recovery from substance abuse.

Mr. Inspector notified the Director of the Building Department, Mr. Director, about his findings. He advises Mr. Inspector to send a letter notifying Cambridge House, Inc., of a potential violation of the City's Zoning Ordinance for operation of a group home. After receipt of this letter, Mr. Inspector receives a call from the Executive Director of Cambridge House, Inc., Mr. Dogood, who explains that their facility is a group home, but because it is treating alcohol and drug addicts, there is no need for him to register this facility. He also claims that the federal law grants his facility exemptions from local ordinances. Mr. Inspector asks Mr. Dogood about the reported sex offenders living at the group home. Mr. Dogood states that sex offenders need a place to live, too, and apparently there is a shortage of available housing in the City for registered sex offenders. Mr. Dogood states that he has been working with the local office of the State Probation and Parole Board to receive approval to house multiple sex offenders who are on probation or parole at this group home. Mr. Dogood advises that not all of the persons currently residing in the group home are sex offenders. Mr. Inspector learns from this conversation that there are currently fourteen (14) persons living in the home. Mr. Inspector is not clear on whether any of those persons are caregivers or how many of the residents are actually registered sex offenders. Mr. Dogood volunteers that the residents change frequently because Cambridge House, Inc., has rules the residents must follow, and if they break the rules too much, they are asked to leave.

1. After learning all of these facts, Mrs. Mayberry seeks your help. She is unsure what action can be taken, but knows that the Mayor and City Council have already received dozens of calls and/or emails from concerned neighbors who want the group home – and particularly the sex offenders – out of their neighborhood. Mrs. Mayberry asks you to prepare a memo for the governing body outlining the options available to the City to regulate this type of facility and/or its residents. She asks you to include specific references to Federal and State law, as applicable, as well as local ordinances, and to identify any trends in regulating these type of facilities in other communities across the nation. Mrs. Mayberry asks specifically whether there are any revisions to local ordinances needed which might address any of the community concerns – or which would prohibit Cambridge House, Inc., from opening another facility like this in the City. Basically, the City Council wants to know what, if anything, the City can legally do to shut down this facility and prohibit other such facilities from locating in your community.
2. If you determine that shutting down the group home is not feasible and/or likely, what regulatory measures currently exist in your community to improve the health, safety and welfare of both the residents and neighbors? If you are aware of regulations which might be beneficial to adopt to address any of these concerns, but which are not currently adopted in your city, please include this information in your response.
3. If your City has adopted the International Codes and you have not already discussed their applicability and use in addressing this problem, please be sure to include how you would recommend applying these ordinances to this group home, or if find they are not applicable explain your reasoning as to why not.
4. Would your advice on any of the matters listed above differ when you learn after sending your memo that Cambridge House, Inc., claims to perform its service as a part of its religious mission?