



MONROE CITY COUNCIL

Agenda Bill No. 19-216

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| SUBJECT: | Resolution No. 020/2019, Supporting Acceptance of Review and Reversal of the <i>Martin v. City of Boise</i> Decision by the United States Supreme Court |
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| DATE: | DEPT: | CONTACT: | PRESENTER: | ITEM: |
| 10/22/2019 | Administration | Deborah Knight | Deborah Knight | Consent Agenda #9 |

Discussion: 10/22/2019
Attachments: 1. Proposed resolution

REQUESTED ACTION: Move approve Resolution No. 020/2019, supporting acceptance of review and reversal of the *Martin v. City of Boise* decision by the United States Supreme Court.

POLICY CONSIDERATIONS

On September 4, 2018, the Ninth Circuit Court of Appeals issued its decision in *Martin v. City of Boise*, 902 F.3d 1031 (9th Cir. 2018), holding that the City of Boise’s enforcement of local anti-camping and criminal trespass ordinances violated the Eighth Amendment prohibition on cruel and unusual punishment where the defendants are homeless and have no available alternative shelter.

On August 22, 2019, the City of Boise filed a petition for a writ of certiorari in the U.S. Supreme Court, seeking review and reversal of the Ninth Circuit’s decision in *Martin v. City of Boise*.

Resolution No. 020/2019 expresses the City Council’s support for the U.S. Supreme Court to accept review of, and ultimately reverse, the Ninth Circuit’s decision in *Martin v. City of Boise*.

DESCRIPTION/BACKGROUND

Local communities, including the City of Monroe, have experienced a significant increase in homelessness in recent years.

The City of Monroe has taken numerous steps to proactively address the homelessness epidemic, including without limitation the City’s establishment of a Homelessness Policy Advisory Committee; increased law enforcement presence; institution of notice and inquiry procedures to assist homeless persons in finding available shelter space; and deployment of an embedded social worker with the City’s Police Department.

The *Martin v. City of Boise* decision established binding precedent for local communities throughout the Ninth Circuit’s jurisdiction, including the City of Monroe.

The practical impact of the Ninth Circuit’s holding in *Martin v. City of Boise* has extended beyond the specific context of anti-camping and criminal trespass ordinances, and has called into question the enforceability of numerous other local regulations.

In the wake of the *Martin v. City of Boise* decision, local communities throughout the Ninth Circuit’s jurisdiction, including the City of Monroe, have been severely constrained in their ability to protect the public health, safety and welfare through enforcement of traditional, commonsensical regulations governing the use of public areas.

Boise’s petition argues that the 9th Circuit’s unprecedented decision conflicts with multiple decisions of the U.S. Supreme Court, as well as decisions of the California Supreme Court and of the 1st, 4th, 7th, and 11th circuits. In its petition, Boise argues the 9th Circuit Court’s decision

limits the ability of the more than 1,600 municipalities in the 9th Circuit to protect the health and safety of their communities.

FISCAL IMPACTS

There are no fiscal impacts associated with passing Resolution 020/2019 supporting the petition for a writ of certiorari filed by the City of Boise in the *Martin v. City of Boise* case, and supporting reversal of the Ninth Circuit’s decision in that case by the U.S. Supreme Court.

TIME CONSTRAINTS

On August 22, 2019, the City of Boise, Idaho filed a petition for a writ of certiorari, an order of a higher court to a lower court to send documents of a case so that the higher court may review a decision. That request starts the review of the case and the process for determining whether the Supreme Court will accept it. There is no guarantee that the Supreme Court will hear the case. It gets thousands of requests each year and typically hears 150 cases or fewer.

ALTERNATIVES

Do not pass Resolution No. 020/2019 and direct staff to areas of concern.

**CITY OF MONROE
RESOLUTION NO. 020/2019**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
MONROE, WASHINGTON, SUPPORTING ACCEPTANCE
OF REVIEW AND REVERSAL OF THE *MARTIN V. CITY
OF BOISE* DECISION BY THE UNITED STATES
SUPREME COURT

WHEREAS, local communities, including the City of Monroe, have experienced a significant increase in homelessness in recent years; and

WHEREAS, the City of Monroe has taken numerous steps to proactively address the homelessness epidemic, including without limitation the City's establishment of a Homelessness Policy Advisory Committee; increased law enforcement presence; institution of notice and inquiry procedures to assist homeless persons in finding available shelter space; and deployment of an embedded social worker with the City's Police Department; and

WHEREAS, on September 4, 2018, the Ninth Circuit Court of Appeals issued its decision in *Martin v. City of Boise*, 902 F.3d 1031 (9th Cir. 2018), holding that the City of Boise's enforcement of local anti-camping and criminal trespass ordinances violated the Eighth Amendment prohibition on cruel and unusual punishment where the defendants are homeless and have no available alternative shelter; and

WHEREAS, the *Martin v. City of Boise* decision established binding precedent for local communities throughout the Ninth Circuit's jurisdiction, including the City of Monroe; and

WHEREAS, the practical impact of the Ninth Circuit's holding in *Martin v. City of Boise* has extended beyond the specific context of anti-camping and criminal trespass ordinances, and has called into question the enforceability of numerous other local regulations; and

WHEREAS, in the wake of the *Martin v. City of Boise* decision, local communities throughout the Ninth Circuit's jurisdiction, including the City of Monroe, have been severely constrained in their ability to protect the public health, safety and welfare through enforcement of traditional, commonsensical regulations governing the use of public areas; and

WHEREAS, the City of Boise has filed a petition for a writ of certiorari in the U.S. Supreme Court, seeking review and reversal of the Ninth Circuit's decision in *Martin v. City of Boise*; and

WHEREAS, the Monroe City Council wishes to express its full and emphatic support for the U.S. Supreme Court to accept review of, and ultimately reverse, the Ninth Circuit's decision in *Martin v. City of Boise*.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MONROE, WASHINGTON, HEREBY RESOLVES AS FOLLOWS:

Section 1. Expression of Support: Reversal of *Martin v. City of Boise*.
The Monroe City Council hereby publicly supports the petition for a writ of certiorari filed by the City of Boise in the *Martin v. City of Boise* case, and further publicly supports reversal of the Ninth Circuit's decision in that case by the U.S. Supreme Court.

Section 2. Effective Date. This resolution shall take effect immediately upon passage.

ADOPTED by the City Council of the City of Monroe, at its regular meeting thereof, and APPROVED by the Mayor this 24th day of September 2019.

Approved: October 22, 2019
Effective: October 22, 2019

CITY OF MONROE, WASHINGTON

(SEAL)

Geoffrey Thomas, Mayor

ATTEST:

APPROVED AS TO FORM:

Elizabeth M. Adkisson, MMC, City Clerk

J. Zachary Lell, City Attorney