

**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 22nd day of October, 2019.

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

CITY OF MONROE, WASHINGTON



Geoffrey Thomas, Mayor

(SEAL)

ATTEST:

APPROVED AS TO FORM:



Elizabeth M. Adkisson, MMC, City Clerk

J. Zachary Lell, City Attorney