



OFFICE OF THE CITY ATTORNEY
Long Beach, California

NB-24

CHARLES PARKIN
City Attorney

MICHAEL J. MAIS
Assistant City Attorney

PRINCIPAL DEPUTIES

Gary J. Anderson
Charles M. Gale
Anne C. Lattime
Howard D. Russell

DEPUTIES

David R. Albers
C. Geoffrey Allred
Taylor M. Anderson
Richard F. Anthony
William R. Baerg
Sarah E. Green
Monica J. Kilaita
Nicholas J. Masero
Dawn A. McIntosh
Lauren E. Misajon
Matthew M. Peters
Katrina R. Pickett
Arturo D. Sanchez
Chelsea N. Trotter
Todd Vigus
Amy R. Webber
Erin Weesner-McKinley
Theodore B. Zinger

October 8, 2019

HONORABLE MAYOR AND CITY COUNCIL
City of Long Beach
California

RECOMMENDATION:

Adopt a Resolution of the City Council of the City of Long Beach in Support of the County of Los Angeles' Amicus Brief in Support of the Petitioner City of Boise v. Robert Martin on Petition for Writ of Certiorari in the Supreme Court of the United States.

DISCUSSION

Pursuant to your request of October 1, 2019, this office has prepared and submits the above-described resolution for your consideration.

SUGGESTED ACTION:

Approve recommendation.

Very truly yours,

CHARLES PARKIN, City Attorney

SEG:mb A19-05392
01073243.docx

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LONG BEACH IN SUPPORT OF THE COUNTY OF LOS ANGELES' AMICUS BRIEF IN SUPPORT OF THE PETITIONER CITY OF BOISE v. ROBERT MARTIN ON PETITION FOR WRIT OF CERTIORARI IN THE SUPREME COURT OF THE UNITED STATES

WHEREAS, on August 22, 2019, the City of Boise filed a petition for writ of certiorari in the Supreme Court of the United States to review the judgement of the United States Court of Appeals for the Ninth Circuit in Martin v City of Boise; and

WHEREAS, on September 24, 2019, the County of Los Angeles joined 32 other cities and counties and the California State Association of Counties in submitting an amicus brief in support of the City of Boise in petitioning the Supreme Court of the United States to grant certiorari; and

WHEREAS, the Ninth Circuit's holding in this case has resulted in confusion among municipalities as to what constitutes shelter that is "practically available" within the jurisdiction; and

WHEREAS, the Ninth Circuit's holding has placed an enormous burden on municipalities in deciphering how to balance protection of public health and criminal enforcement against potential civil liability; and

WHEREAS, the Ninth Circuit's holding ultimately limits cities and counties in their ability to solve their local homelessness problem without fear of potential civil liability due to 8th Amendment implications in this case;

///
///
///

OFFICE OF THE CITY ATTORNEY
CHARLES PARKIN, City Attorney
411 West Ocean Boulevard, 9th Floor
Long Beach, CA 90802-4664

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

NOW, THEREFORE, the City Council of the City of Long Beach resolves as follows:

Section 1. The City Council of the City of Long Beach supports the County of Los Angeles' Amicus Brief in support of the petitioner City of Boise v. Robert Martin on petition for writ of certiorari in the Supreme Court of the United States.

I hereby certify that the foregoing resolution was adopted by the City Council of the City of Long Beach at its meeting of _____, 2019, by the following vote:

Ayes: Councilmembers: _____

Noes: Councilmembers: _____

Absent: Councilmembers: _____

City Clerk