

Ancel Glink Today

Your Authority on Local Government Law

City's Authority to Ban Charity Collection Boxes in Question

Many municipalities have enacted ordinances or policies to regulate the location of charity collection bins within a community. At least one municipality enacted a ban on these donation bins, which was the subject of a case involving a lawsuit by Planet Aid (a charitable organization) against the City of St. John, Michigan.

Last year, St. John adopted an anti-blight ordinance banning off-site donation boxes. After the ban was passed, the City removed two bins placed by the organization, "Planet Aid." Shortly afterward, Planet Aid filed a lawsuit against the City challenging the ordinance, arguing the ban violated Planet Aid's First Amendment rights by infringing on protected speech concerning charitable solicitation and giving. The lower court agreed, finding that "Planet Aid's operation of donation bins to solicit and collect charitable donations qualified as protected speech under the First Amendment." On appeal, the court of appeals also agreed that the ordinance "clearly regulates protected speech on the basis of its content. The ordinance does not ban or regulate all unattended, outdoor receptacles. It bans only those unattended, outdoor receptacles with an expressive message on a particular topic - "charitable solicitation and giving" - an expression that the U.S. Supreme Court has found "worthy of strong constitutional protection." As a result, the ordinance was subject to strict scrutiny, which the City could not satisfy.

If you currently have regulations on charity donation/collection bins, you may want to review them to make sure they are consistent with this case. Please let your Ancel Glink attorney know if you'd like any help in reviewing or drafting regulations on charity donation boxes.

For more information, click [HERE](#).

Don't Forget City Council Approval!

In a case against the City of Rockford, the city attorney had agreed to settle a dispute for \$600,000.00 after conferring with members of a city council committee. The plaintiff signed the settlement agreement two weeks later. But, when the agreement was subsequently presented to the city council for approval, it did not receive the necessary votes because two of the committee members (also council members) who had initially agreed to the terms had changed their minds. The plaintiff then sued to enforce the agreement. The court held that the settlement required city council approval because it involved the expenditure of money and the creation of liability against the City. Since it wasn't approved, it couldn't be enforced against the City.

Governments should take note that although this ruling was in favor of the City, the court included a strongly worded suggestion that the lower court consider imposing sanctions against the City for its actions in subsequently rejecting the settlement that the City Attorney had negotiated with the plaintiff.

Although there may be various exceptions (i.e., insurance settlements, legislative authority for expenditures of a certain amount), as a general rule, settlement agreements are subject to the same approval process as other contracts.

For more information, click [HERE](#).

New Dates for Police Deadly Force Training Sessions

For those of you who missed the police deadly force training in Bloomington on March 5th, we are happy to announce that two additional training sessions have been scheduled in May. The first will be held on May 4th in Lisle, and the second on May 8th in O'Fallon. The one-day seminar brings together mayors, municipal managers, police administrators and attorneys to discuss issues that commonly arise from the increasingly controversial use deadly force by police officials. Topics to be covered include: training, transparency and accountability, crisis management and the law, community and media relations, leadership by elected officials, supporting the rank and file, and use of new technology. Ancel Glink has partnered with the IML, and the Illinois Association of Chiefs of Police on presenting this event.

You can see the program agenda here: [PROGRAM AGENDA](#)

Register here: [REGISTRATION INFORMATION](#)

Want to Learn More?

For more information about any of these topics, please contact your principal Ancel Glink attorney or visit our [website](#) or blog [Municipal Minute](#) for more updates on cases, laws, and other topics of interest to local governments.

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