

# From the Desk of the Executive Director

## Of stomachs and drones

The author, me, strongly encourages the column be read in full without referencing the footnotes. After reading the column, then read the footnotes. You'll be happier, trust me.



I've long been a member of the International (Canada and U.S.) Municipal Attorneys Association, or IMLA.<sup>1</sup> Twice a year IMLA offers continuing legal education specifically tuned to the world of city law and regulation. It's a terrific organization and the education has always been top notch. Not to brag, but I did chair the program planning committee for nearly a decade!<sup>2</sup> IMLA's Mid-Year Seminar occurs every spring in Washington, D.C. It's one of my favorite meetings for a great many reasons:

- There's a good chance of seeing the famous Japanese cherry trees<sup>3</sup> in full bloom around the tidal basin<sup>4</sup> next to the Jefferson Memorial.<sup>5</sup> The National Cherry Blossom Festival is a wonderful event. I highly recommend it.<sup>6</sup>
- As I mentioned, the education IMLA provides is second to none for those in the municipal law arena.
- Museums. What can I say?<sup>7</sup> I love history and I firmly believe you could spend months in D.C. visiting museums every day and never see the same thing twice. Historic heaven.
- Dining. Exquisite dining of all forms and fashions. Quite literally any type of food you like or want to try can be found in D.C. Steaks? Yep. Italian? Yep, northern, central, southern and Sicilian! French? Yep. Russian? Yep. And so on and so forth.
- Last but not least, Colin Hayes resides in our nation's capital!<sup>8</sup>

Amazing things to do and see, unless you get food poisoning. Then, not so great. "Don't do it! Don't tell them what occurred! I'm begging you!" cries the Local Controller. Inquiring minds want to know, I retort! Eye roll and an about face. Ugly mumbling and she's gone.<sup>9</sup> To ensure domestic tranquility, here's the CliffsNotes<sup>10</sup> version. On the next to the last day of the seminar, I woke at 4 a.m. mucho sicko. Sick to the point that L.C. called an ambulance. Yep, to the hotel. The conference hotel. So out I went on a gurney through the lobby in front of municipal

<sup>1</sup> Originally known as NIMLO (National Institute of Municipal Law Officers), it was founded in 1935. Its first executive director was Charles S. Rhyne, who was both a litigator and a public servant. His personality would instantly fill a room. Rhyne served IMLA first as its general counsel and then as the executive director. His service to the organization lasted more than 50 years. Rhyne served as the president of the American Bar Association in 1957, the youngest person to do so at that time. <https://bit.ly/3wS6cj4> Rhyne's colorful career and keen mind led him to represent Rose Mary Woods, President Richard Nixon's secretary, in the Watergate hearings. He also argued before the U.S. Supreme Court, and won, the seminal case on legislative reapportionment, *Baker v. Carr*. The case ensured that the vote of a singular citizen was equal to any other citizen regardless of physical location. The victory was the first of a then flood of federal lawsuits forcing states to reapportion voting districts in an equitable manner. <https://bit.ly/3IwLeNb>

<sup>2</sup> As you may have surmised the Local Controller immediately reacted to my "not to brag" comment. First, as always, the eye roll. Then: "Right. You're not bragging." And lastly, the cackle. I do love the cackle.

<sup>3</sup> In 1912 Mayor Yukio Ozaki of Tokyo presented a gift of 3,000 cherry trees to the United States. <https://bit.ly/3IzhsHQ>

<sup>4</sup> The tidal basin was first built in the 1800s. <https://bit.ly/3MpVIzd>.

<sup>5</sup> To honor the third president of the United States, President Franklin Delano Roosevelt dedicated the memorial in 1943. <https://bit.ly/3q0bKIH>

<sup>6</sup> <https://bit.ly/3oeso6U>

<sup>7</sup> And just like that L.C. is up 2 to zip with her comment: "How about nothing? You could say nothing. Trust me, your readers would be very happy with nothing." Add the "I made a funny" cackle and she's up 3 to zero.

<sup>8</sup> Spending time with family is the best of the best. I don't get to see him as much anymore. He's got a big-time job with the House Budget Committee and he's sorta far away. We sure do have fun when we hang out. I just wish it was a little more often!

<sup>9</sup> Score one for Marky-Mark! L.C. 3, Moi 1! I won't win of course but a fella can dream.

<sup>10</sup> Started in 1958 by Clifton Hillegass and his wife Catherine in their basement in Lincoln, Nebraska, it was sold in 1998 for \$14.2 million! Yikes! That's a lot of BankNotes! See what I did there?! <https://bit.ly/43fMe0m>

lawyers from across the country and Canada. Ahhhh...good times. Topped off only by returning some eight hours later via an Uber. My attire you inquire?<sup>11</sup> A T-shirt and pajama pants. No shoes. I got to walk through the hotel lobby just as folks were heading out to dinner.

It hasn't been said yet, but I feel a "get to the point" moment arriving quickly. So, here's the point. During the seminar I attended a great session on drones. Not the "drone on and on" variety. The other ones. The ones that fly. By the way, if you're wondering, noting somebody that drones on and on is a phrasal verb, according to Merriam-Webster.<sup>12 13 14</sup>

The point: It turns out drones<sup>15 16</sup> aren't just for your kids or grandkids to fly around the neighborhood to be obnoxious to your neighbors. I attended a session titled "Use Of Drones As First Responders." It was eye-opening. One of the first agencies in the eastern United States to deploy this public safety service is the city of Brookhaven, Georgia.<sup>17</sup> It's a suburb of Atlanta with about 60,000 citizens. Chula Vista, California, Police Department pioneered the concept in 2018. Essentially, drones are stationed in pre-selected locations—mostly in high-volume call rate areas—and are launched upon dispatch receiving a 911 call. Public safety agencies and employees then have a real-time view of the area from which the call was made.

Think about the possibilities. A fire department can see precisely what part of a home or office building is on fire and deploy equipment and personnel accordingly rather than assessing when the first truck arrives on scene. One of the videos we saw involved a suicidal person, last seen close to a park. The drone located the person well before public safety officers arrived and was able to direct them in the most nonthreatening way possible. Ultimately, a police officer with emergency mental health training was able to get the young woman to a hospital for proper treatment. From a de-escalation perspective, it gives officers the ability to see who is and who isn't committing a crime or a disturbance and respond appropriately. Of course we've all seen videos of dramatic car chases taken from helicopters. Drones are less conspicuous and can be used to inform law enforcement of the whereabouts and actions of a suspect without startling the individual. In turn, officers can more effectively and safely respond without the high risk of injury or damage often resulting from high-speed pursuits or foot chases.

---

<sup>11</sup> L.C. is back, just in time to say: "Nobody wants or needs to know what you were wearing!" Not quite enough for a point but close. My "attire" and "inquire" rhyme, which is also close for a point but not quite.

<sup>12</sup> <https://bit.ly/3MPsZFB>

<sup>13</sup> Speaking of Merriam and Webster...L.C. is now emphatically noting that nobody is speaking of Merriam or Webster and that I need to get to the point. Despite her editorial direction, let's quickly speak of Merriam and Webster. While looking at the origins of my favorite dictionary (sorry *Black's Law Dictionary*!) I learned a new word: lexicography. It means the creation of a dictionary under certain principles and well-known practices. It's a noun in case you were wondering. <https://bit.ly/3MNJVvV> In 1831 two brothers, Charles and George Merriam opened a printing and bookselling shop. Ultimately the Merriam company bought the 1841 edition of what's been described as a "magnum opus" titled *An American Dictionary of the English Language, Corrected and Enlarged*. <https://bit.ly/3Ov1RNn> The opus was created by a dude named Noah Webster. His original dictionary took 27 years to compile and was finally published when he was 70! Wow, talk about perseverance. <https://bit.ly/3q5VkoF>

<sup>14</sup> I try not to do three footnotes on the same sentence. I don't know why, but I do. The Local Controller has outdone herself. "Seriously?! *Black's Law Dictionary*?! The history of Merriam-Webster dictionaries?! LEXICOGRAPHY?! Move it along, buster. Your membership has parks to prep for summer and potholes to fix!" L.C. hits a home run! It's more than one point, that's for sure.

<sup>15</sup> I must say I was a bit surprised to learn that "unmanned flying objects" aka drones were used as early as 1849 and 1850. Austrian forces surrounded and began to seize Venice during that time frame. The Austrians launched approximately 200 incendiary balloons over the city. Unsurprisingly the wind affected the deployment and only one of the balloons dropped its "bombs" on the city. Nevertheless, the idea had been put to use and would develop into the engineering feats seen today. In between those times several notable things occurred. The first pilotless aircraft was developed in 1916 by a British cat named Archibald Low. Too bad his last name didn't better describe his invention. It could have been Archie's HIGH flying machine. See what I did there?! Oh boy, L.C. just blurted out "Cat?! Archie?! And a horrible Dad joke to boot?! I don't know why you do these things, I really don't. GET TO THE POINT!" Ah, love is in the air. <https://bit.ly/3MuQZfA>

<sup>16</sup> FYI, Arkansas will soon have a law (Act 525) regarding the prohibition of purchasing drones from Russia and China by public entities. Please read this carefully: <https://bit.ly/3Oxri0D>

<sup>17</sup> If you want more drone information, consider contacting Lt. Abrem Ayana of the Brookhaven PD and City Attorney Chris Balch. <https://bit.ly/41Y5DBR> <https://bit.ly/3BKYxGj>

Here are a few other things our comrades in Brooksville did or are doing, as well as some the positive results they are seeing.

- An added level of transparency so the public can be better informed.
- An average response time of under 150 seconds. I had to use my fingers and toes but that comes to 2.5 minutes. That's fast! I know this will shock you, but I did a little research on response times. Most police departments shoot for between 5-6 minutes. However, there are big cities that take much longer according to a 2019 article I read. For example, Seattle was 9 minutes and Fort Worth, Texas, was 9.5.<sup>18</sup>
- Before the program was launched the city engaged heavily in stakeholder engagement. They talked with the ACLU, the local DA and neighborhood groups, which led to buy-in from most everyone.
- They have a solid comprehensive policy concerning drone use, "pilot" training and record retention.
- The policy also has an exclusion list that includes random surveillance, targeting people solely on individual characteristics, harassment and personal use.

Much to the delight of the Local Controller it's time to wrap this up! First let me say kudos to the Washington, D.C., Fire and EMS Department and the good doctors and nurses at Sibley Hospital. They took great care of me. While Sibley is actually part of the world-renowned Johns Hopkins Medicine group, it is a community not-for-profit hospital with deep D.C. roots, having been founded in 1890. The EMS team used a great deal of technology while treating me. Tablets, medical gizmos that talked to the tablets and other things that I can't recall because, well, I was sick. I didn't get a chance to ask about drones because, well, I was sick. Here's a little tip: Be prepared to be more tummy sick when riding backwards in an ambulance. Since I've been back home, I've discovered that D.C. first responding agencies and the cities surrounding the District have invested heavily in technology, including drones, over the past several years. Who knows. Maybe the next time I need emergency care in D.C. a drone will bring the care to me!

I've now been to the ER in D.C. twice, the second being the incident I've already described. The first involved L.C. and me doing a tour of the National Cathedral. Repairs were being done and yours truly stepped on a two-inch roofing nail. Yep, through the shoe and deep into the foot. The details are a bit gory. Suffice it to say I had to have surgery. Now, knowing I'm a lawyer you may be asking, did I make a claim for my injuries? No! I figured *Hayes v. The National Cathedral* might not bode well for, shall we say, the afterlife. I'm not the only League staffer to experience ER time in D.C., but I'll save those tales for another day.

Until next month, Peace. <sup>19</sup>

And keep an eye on those public safety drones!



Mark R. Hayes  
Executive Director  
Arkansas Municipal League

<sup>18</sup> <https://bit.ly/45gxhwR>. BTW, I took a look at D.C. EMS response times given my recent digestive experience. Here's a stunner: In our nation's capital, they have a highly regulated and complicated computation of response times! As near as I can tell, they aim for 5 minutes or less on high-priority calls, e.g. a person is dying. For the Mark Hayes tummy issue, it appears anywhere from 5-10 minutes is okay. If you need something to put you to sleep, here's all the stats and information you'd ever want from the D.C. government on EMS response times: <https://bit.ly/3pRoTU7>.

<sup>19</sup> I don't know that I've ever seen L.C. quite as pleased as she is now with my sign off. "Finally. It's over."