

NATION

SUPREME COURT

Court leader or leading dissenter?

Chief justice's fate tied to presidential election's outcome.

Adam Liptak ©2016 The New York Times



A Supreme Court pick by President Barack Obama or Hillary Clinton would put Chief Justice John Roberts in the minority in many close cases, or even nudge him to the left. RICHARD PERRY / THE NEW YORK TIMES 2015

WASHINGTON — In Chief Justice John Roberts' 11 years on the U.S. Supreme Court, his unfolding legacy has been marked by a debate over whether his very occasional liberal votes in major cases were the acts of a statesman devoted to his institution, a traitor to his principles or the legal umpire he said he aspired to be at his confirmation hearings.

This election could settle that debate.

If Donald Trump becomes president and follows through on his vow to appoint a conservative to replace the late Justice Antonin Scalia, Roberts will continue to lead a court dominated by five conservative justices. But the absence of Scalia, the court's longest serving and in some ways most dominant member when he died in February, means Roberts could lead in a more assertive way.

Were a liberal to replace Scalia — whether it was President Barack Obama's pick, Judge Merrick B. Garland, or

someone named by Hillary Clinton should she win the presidency — a majority of the justices would be Democratic appointees for the first time in almost 50 years. That would open a new chapter at the court, and leave Roberts, a Republican appointee with a generally conservative voting record, in the minority in many closely divided cases. And it could force him to choose between becoming a marginal figure or concluding that a new era on his court requires a new kind of leadership — and a move to the left.

"It's been a long time since there was a chief justice who was in dissent across a wide range of important issues," said Pamela S. Karlan, a law professor at Stanford.

As a practical matter, a chief justice in perpetual dissent would give up a crucial tool: assignment power. When the chief justice is in the majority, he gets to choose who will write the majority opinion. Much can turn on that choice.

The alternative is to find ways to vote more often with the majority, and that could mean tilting toward a liberal outcome. Recent history provides an analogy.

Roberts served as a law clerk to Justice William H. Rehnquist in 1980 and 1981, and he saw a shift in his old boss's voting patterns after President Ronald Reagan elevated him to chief justice in 1986.

"Chief Justice Rehnquist, when he was an associate justice, was often on the losing end of 8-1 votes," Strauss said. "When he became chief, he moved conspicuously to the center."

Lee Epstein, a law professor and political scientist at Washington University in St. Louis, said the data supported that view. Before his elevation, Rehnquist dis-

sented 21 percent of the time. Once he became chief justice, the rate dropped to 16 percent. The difference is statistically significant.

"Perhaps in an effort to keep control of opinion assignment, Rehnquist dissented less frequently and, as a result, moved to the left," Epstein said.

Roberts has used his power vigorously and strategically. He has kept major opinions for himself, partly to shape and hone them and partly because it seems fitting for the chief justice to speak for the court in big cases. He has assigned other important majority opinions to trusted allies, notably Justice Samuel Alito.

If the chief justice is in the minority, the assignment power shifts to the senior justice in the majority, meaning the one with the longest tenure. That role would fall to Justice Ruth Bader Ginsburg on a court with five Democratic appointees in cases where justices split along ideological lines.

"We may have, de facto, the first female chief justice," said Akhil Reed Amar, a law professor at Yale.

That notion cannot cheer Roberts, Karlan said.

"On a court with five liberals, the chief justice faces

the prospect of assigning cases involving the Federal Energy Regulatory Commission and the Bankruptcy Act," she said, "while Justice Ginsburg assigns the cases that make the front page of The Times."

David Strauss, a law professor at the University of Chicago, said Roberts would not tolerate that sort of irrelevance.

"I don't think this chief justice will accept being in a permanent minority on the court," he said.

With two notable exceptions, Roberts' voting record in major cases has been generally conservative since he joined the court in 2005, succeeding his old boss.

He was in the five-justice conservative majorities that decided District of Columbia v. Heller, which established an individual right to own guns; Citizens United v. Federal Election Commission, which amplified the role of money in politics; and Shelby County v. Holder, which gutted the core of the Voting Rights Act.

And he dissented when a narrowly divided court's rulings meant liberal victories on gay rights, abortion rights and affirmative action.

Roberts has been the subject of withering criticism

from the right for twice voting to sustain Obama's health care law. But those votes were exceptions, especially for major cases.

In 5-4 cases, Roberts voted in a conservative direction 85 percent of the time, a rate higher than that of any other member of the court, according to a study last year in The Journal of Legal Studies and to related data.

The study was prepared by Epstein; William M. Landes, a law professor and economist at the University of Chicago; and Judge Richard A. Posner of the United States Court of Appeals for the Seventh Circuit in Chicago.

"He is a reliable conservative in the most closely contested cases but moderate when his vote cannot change the outcome," the authors wrote. "This is consistent with a chief justice's interest in being on the winning side in most cases; otherwise it looks as if he cannot control his court."

That pattern would most likely continue were Trump to name the next Supreme Court justice. Trump has released a list of potential nominees, all reliable conservatives, and none of them would shift the essential balance of power on the court.

Disabled students' rights case draws justices' scrutiny

By Greg Stohr Bloomberg News

WASHINGTON — The U.S. Supreme Court will consider how much extra help public schools must provide to students with disabilities, agreeing to hear an appeal from two parents seeking reimbursement for the cost of their autistic son's private school.

The case will mark the first time since 2009 that the court has considered

the reach of the Individuals with Disabilities Education Act, which gives educational rights to some 6.5 million children.

At issue is how much school districts must do to meet each child's needs. In the case the justices will take up, a federal appeals court said the Colorado school district need only provide "some educational benefit." The parents say that standard is too lax and doesn't square with the law's broad goals.

"The IDEA seeks to provide children with genuine access to public education," said the parents, identified in court papers as Joseph F. and Jennifer F. "School districts that provide only a just-above-trivial benefit cannot achieve this objective."

Joseph and Jennifer say the Douglas County School District failed to meet the needs of their son, Andrew, who attended public school through fourth grade. They say that the school couldn't

manage his behavioral issues, which included yelling, crying and head-banging, and that he made minimal progress toward the academic goals set for him in fourth grade.

For fifth grade, the couple enrolled Andrew in a private school that specializes in educating children with autism. The family then sued, seeking reimbursement.

In rejecting the bid, the Denver-based appeals court called the dispute "a close

case."

The Douglas County School District, which serves an area south of Denver, urged the justices not to hear the case. "The decision to impose a higher standard belongs to the legislatures," the school district argued.

The IDEA requires school districts to provide a "free appropriate public education" to children with disabilities. The Supreme Court interpreted that phrase in 1982, but lower courts have

diverged on exactly what the 1982 ruling meant.

Some judges have said school districts must provide "meaningful" educational benefits, a more stringent standard that Andrew's parents say would make the difference in his case.

The Obama administration joined the parents in urging the Supreme Court to adopt that standard.

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NOTICE OF PUBLIC FORUM MEETING AMENDMENTS TO USE REGULATIONS - ARTICLE 4 OF THE UNIFIED LAND DEVELOPMENT CODE (ULDC) USE REGULATIONS PROJECT

THE PALM BEACH COUNTY ZONING DIVISION WILL CONDUCT A PUBLIC FORUM MEETING ON THE USE REGULATIONS PROJECT TO PRESENT PROPOSED AMENDMENTS TO USES IN ARTICLE 4 OF THE UNIFIED LAND DEVELOPMENT CODE REGARDING: USE DEFINITIONS, SUPPLEMENTARY STANDARDS AND APPROVAL PROCESSES. THE USES TO BE PRESENTED INCLUDE: RESIDENTIAL; COMMERCIAL; RECREATION; INSTITUTIONAL, PUBLIC AND CIVIC; INDUSTRIAL; UTILITIES; TRANSPORTATION; COMMERCIAL COMMUNICATION TOWERS; EXCAVATION; AND, TEMPORARY USES. AGRICULTURAL USES LANGUAGE WAS REFORMATTED FOR CONSISTENCY WITH THE CONSTRUCTION OF ARTICLE 4, ALONG WITH A FEW UPDATED REFERENCES.

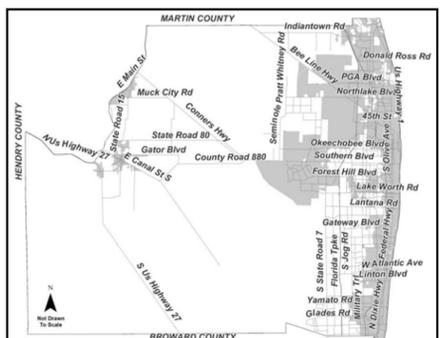
DATE: THURSDAY, OCTOBER 13, 2016
WEDNESDAY, OCTOBER 26, 2016
(CONTINUATION OF FORUM IF NEEDED)

PLACE: VISTA CENTER
(2300 N. JOG ROAD - WEST PALM BEACH)
KEN ROGERS HEARING ROOM 1W-47
TIME: 5:00 P.M. TO 8:00 P.M.

TO: THE PUBLIC, SUBCOMMITTEE MEMBERS, INTERESTED PERSONS OR THOSE WHO HAVE PREVIOUSLY PARTICIPATED IN OR EXPRESSED AN INTEREST IN PALM BEACH COUNTY PLANNING, ZONING AND BUILDING (PZ&B) MEETINGS PERTAINING TO THE USE REGULATIONS PROJECT

THE CODE AMENDMENTS ARE SCHEDULED TO BE PRESENTED TO THE LAND DEVELOPMENT REGULATION COMMISSION (LDR) ON NOVEMBER 30, 2016 AT 2:00 P.M. AT VISTA CENTER (2300 N. JOG RD - ROOM 1W-47) AND TO THE BOARD OF COUNTY COMMISSIONERS (BCC) ON JANUARY 5, 2017 FOR REQUEST FOR PERMISSION TO ADVERTISE; ON JANUARY 26, 2017 FOR FIRST READING AND ON FEBRUARY 23, 2017 FOR ADOPTION AT 9:30 A.M. AT THE GOVERNMENTAL CENTER (301 NORTH OLIVE AVE. - 6TH FLOOR).

FOR MORE INFORMATION REGARDING THIS MEETING OR THE ULDC USE REGULATIONS PROJECT IN GENERAL, PLEASE CONTACT PALM BEACH COUNTY ZONING CODE STAFF AT (561) 233-5205 OR (561) 233-5566 OR E-MAIL AT PZBCODEREVISION@PBCGOV.ORG.



Map of the Unincorporated Palm Beach County with municipalities shown shaded

INVITATION TO BID

Sealed Bids will be received by the OWNER, the Okeechobee Utility Authority, located at 100 SW 5th Avenue, Okeechobee, Florida 34974, for the Project until 3:00 P.M. Local Time, November 22, 2016, then opened publicly and read aloud. All bids shall be submitted in sealed envelopes addressed to Okeechobee Utility Authority and plainly marked on the outside with the project name.

PROJECT NAME: PINE RIDGE PARK WASTEWATER SYSTEM IMPROVEMENTS

The ENGINEER for the Project is: Holtz Consulting Engineers, Inc., Christine Miranda, P.E., 270 South Central Boulevard, Suite 207, Jupiter FL 33458, (561) 575-2005.

The Work is generally described as follows: The project includes the installation of new 6-inch main installed via open-cut and directional drilling methods, the installation of new gravity sewer mains, the installation of new manholes, and the installation of a new lift station, including all site work, mechanical work, dewatering, electrical work, and instrumentation work and related valves, fittings, and appearances. The project will also include all site work, and restoration work required for a fully-functional system as shown on the Drawings and as specified.

Copies of the Bid Documents may be purchased from the ENGINEER for the nonrefundable fee of \$120.00 per set. Electronic copies of the Bid Documents may be purchased for the nonrefundable amount of \$60 per set. The electronic copy will be issued via email or CD. Those desiring Bid Documents to be mailed to them shall include an additional \$20 handling fee.

BIDDERS with questions concerning the bid process or Bid Documents should contact the ENGINEER in writing in accordance with the Instructions to Bidders by Fax: (561) 575-2009 or by email to christine.miranda@holtzconsulting.com.

The Contract is a UNIT PRICE contract.

A NON-MANDATORY pre bid conference meeting will be held on October 19, 2016, at 10:00 AM Local Time at the OWNERS offices. BIDDERS are strongly encouraged to attend this meeting to be present to hear all discussions pertinent to this project.

A cashier's check or a Bid Bond in a sum not less than five percent (5%) of the amount of the bid, made payable to Okeechobee Utility Authority ("Bid Security") shall accompany each Bid as a guarantee that the BIDDER will not withdraw from the bid process after the opening of Bids. The sureties for the Bid Bond must be an entity included in the most recent United States Department of Treasury list of acceptable sureties and be authorized to issue surety bonds in the State of Florida. Bid Security shall be in a single acceptable instrument. If Bid Security is made by cashier's check, the conditions contained in the Bid Bond shall nonetheless apply to the cashier's check as they relate to forfeiture or damages.

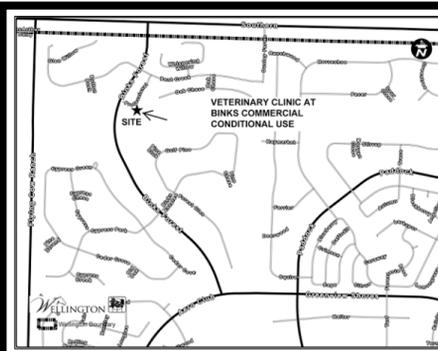
No Bids may be withdrawn for a period of ninety (90) days after the day of Bid opening. The cost of Bid preparation is considered an operational cost of Bidders and shall not be passed on or borne by the OWNER.

The Successful Bidder, who is awarded the contract, will be required to furnish a Public Construction Bond in full contract amount in accordance with Florida Statute Section 255.05, and to submit a Certificate of Insurance demonstrating conformance with the Contract Documents. Failing to do so shall be grounds to reject the bid and shall result in the OWNER retaining the Bid Security to the full extent of OWNER'S damages. Bids shall be prepared, addressed and submitted in compliance with detailed instructions as set forth in the Instructions to Bidders.

All forms and questionnaires must be filled out completely as instructed. Failure to complete the bid forms as instructed and provide the requested information, or to fully execute the bid, shall be grounds for rejection of the bid and shall result in the OWNER retaining the Bid Security to the full extent of OWNER'S damages.

OWNER reserves the right to reject any or all Bids in whole or in part, with or without cause, to waive irregularities, variances, deviations, technical errors and informalities to the extent permitted by law, or to accept the Bid which in its judgment best serves the public interest.

Okeechobee Utility Authority
Publish: September 30, 2016



WELLINGTON NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that public hearings will be held on the Resolution described below:

A RESOLUTION OF WELLINGTON, FLORIDA'S COUNCIL, APPROVING A CONDITIONAL USE (PETITION NUMBER 16-87 / 2016-34 CU 1) FOR CERTAIN PROPERTY KNOWN AS LOT 9 OF THE BINKS COMMERCIAL CENTER; CONSISTING OF APPROXIMATELY 0.73 ACRE, MORE OR LESS, LOCATED IN THE SOUTHEAST CORNER OF BINKS FOREST DRIVE AND BENT CREEK ROAD ON PROFESSIONAL WAY, AS MORE SPECIFICALLY DESCRIBED HEREIN; TO ALLOW A 3,600 SQUARE FOOT VETERINARY CLINIC IN A PLANNED UNIT DEVELOPMENT ZONING DISTRICT SUBJECT TO CONDITIONS OF APPROVAL; PROVIDING A CONFLICTS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

Said public hearings will be held as follows:

PLANNING, ZONING AND ADJUSTMENT BOARD

Location: Village Hall, 12300 Forest Hill Boulevard, Wellington, Florida.

Date: October 17, 2016 at 7:00 P.M. or as soon thereafter as may be heard in the orderly course of business. The hearing of the request may be continued from time to time as may be found necessary.

Notice is hereby given that members of the Wellington Council may attend and participate in the board proceedings.

WELLINGTON COUNCIL

Location: Village Hall, 12300 Forest Hill Blvd, Wellington, Florida.

Date: November 8, 2016 at 7:00 P.M. or as soon thereafter as may be heard in the orderly course of business.

The hearings of the request may be continued from time to time as may be found necessary.

All interested parties are invited to attend and be heard with respect to the proposed Resolution. Copies of all documents pertaining to the proposed Resolution is available in the Planning and Zoning Division at the address listed below and can be reviewed by the public, Monday through Thursday between the hours of 7:00 a.m. and 6:00 p.m.

Planning & Zoning Division
12300 Forest Hill Boulevard
Wellington, Florida, 33414
(561) 791-4000

Appeals: If a person desires to appeal any decision with respect to any matter considered at such hearing, he/she will need a record of the proceedings and for such purpose may need to ensure that a verbatim record of the proceedings is made which record includes the testimony and evidence upon which the appeal is to be based. All appeals must be filed in accordance with the applicable provisions of the Wellington Land Development Regulations.

Pursuant to the provisions of the Americans With Disabilities Act, any person requiring special accommodations to participate in this hearing, because of a disability or physical impairment, should contact the Wellington Manager's Office at (561) 791-4000 at least five calendar days prior to the hearing.

Dated: September 26, 2016

Publish: The Post October 2, 2016

Note to Publisher: Pursuant to Florida Statutes, the required advertisement shall be no less than 2 columns wide by ten inches long, and the headline in the advertisement shall be in a type no smaller than 18 point. The advertisement shall not be placed in that portion of the newspaper where legal notices and classified advertisements appear.