



83rd Annual Conference

October 17-21, 2018 - Houston, TX

TENATATIVE and Subject to Change

Wednesday, October 17th, 2018

TIME	TITLE	DESCRIPTION	SPEAKERS
7:30AM to 5:15PM	Registration		
8:30AM to 12:00PM	BOD Breakfast / Meeting		
9:00AM to 4:15PM	Code Program	See Full Schedule Below.	
8:30AM to 4:50PM	ILGL Program	See Full Schedule Below.	
10:00Am to 10:15AM	Coffee Break		
2:00PM to 3:00PM	Large Population Meeting	<p>This meeting will involve a round table discussion on topics that are important to large population centers, including the following:</p> <ul style="list-style-type: none"> • Affordable housing • First Amendment – public meetings • Cannabis / Marijuana /Opioids • Dockless bikes and scooters/Driverless cars/UberAir • Homelessness • Immigration • Janus decision 	Jessica Sangsvang, Foster Mills & Marc Hansen
3:00PM tp 3:15PM	Coffee Break		
3:15PM to 4:45PM	State League	The meeting will include a presentation on the legislative push that the telecommunications industry is making to preempt local governments' ability to regulate the rights of way as well as other issues arising involving preemption in state legislatures that would benefit from a lobbying focus.	Gerard Lederer
5:00PM to 6:00PM	State League/First Time Attendee Reception	Invite Only- See Registration for Details	

Thursday, October 18th, 2018

TIME	TITLE	DESCRIPTION	SPEAKERS
7:30AM to 5:30PM	Registration		
7:30AM to 8:30AM	Past President Breakfast		
8:30AM to 12:15PM	Code Program	See Full Schedule Below.	
9:00AM to 10:30AM	Work Session: Emerging Transportation Trends and Disruptive Technology	This presentation will explore emerging disruptive transportation technology issues like dockless bikes and scooters as well as autonomous vehicles. These issues will come to your local government. This presentation will help provide insight into how to deal with them when they do. You will also learn about pending federal legislation that will impact how local governments can regulate autonomous vehicles and what's left for the local government to regulate.	Dana Cuberson, Brittney Kohler Robert Kellman & David Glasser Moderator: Mac McCarley
9:00AM to 10:30AM	Municipal Finance: SEC Update & The Roles of Legal Counsel in Municipal Finance Transactions	The first presenter will discuss the various roles of legal counsel in municipal finance transactions. Topics to be discussed will include the authorization and issuance of municipal bonds and debt obligations in compliance with state law, compliance with federal tax and securities laws and a discussion of the requisite legal opinions provided by legal counsel in municipal finance transactions. The second presenter will discuss recent significant SEC rule amendments, including with regard to continuing disclosure obligations. This presentation will include compliance pointers for local government attorneys. The third presenter will discuss the intersection of bond financing and economic development for cities with an emphasis on creative solutions to promote the construction of large scale municipal projects.	Robert Doty, Mark Arnold & Sam Gill Moderator: Karen Kennard
10:30AM to 10:45AM	Coffee Break		
10:45AM to 12:15PM	Challenges at your Local Government Council Meeting: From the Elected Official to Disruptive Speakers	The first presentation will focus on when the elected official is the problem. This presentation will offer insight into how to deal with, defuse, and manage contentious relationships among elected officials. The second presentation will pivot to the issue of disruptive speakers at local government council meetings, including a discussion of the Supreme Court's recent case in <i>Lozman v. City of Riviera Beach</i> .	Christopher Balch, Valerie Flores & Hugo Rossitter Moderator: Patrick Baker
10:45AM to 12:15PM	Looking in the Rearview Mirror on the Costliest Natural Disaster Year in US History	Panel discussion on lessons learned - This panel will discuss lessons learned on their pre and post recovery efforts, resilience endeavors, best practices and trends moving forward. This panel will focus on making sure you get your policies and procedures in place before the next big disaster strikes and will provide checklists to help you do that.	Mary Beth Coburn, Catherine Ures & Robin Jackson Moderator:

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10:45AM to 12:15PM	Construction Contracts Drafting Initiative: Construction Manager at Risk- Comments to AIA A133-2009	<p>CMAR is a delivery method which requires a commitment by the construction manager to deliver the project within a guaranteed maximum price. This delivery method is especially helpful for small municipalities facing complex projects and, if done properly, is extremely effective.</p> <p>This year, IMLA's Construction Contract Drafting Initiative provided IMLA members with a forum to engage in substantive discussions regarding effective terms and conditions in construction contracts for public projects utilizing CMAR. Members participated in monthly CCDI teleconferences as a part of this working group to discuss and draft comments and suggested edits to AIA model document A133-2009— construction manager at risk (CMAR) delivery method. The core drafting committee will present the final revisions and the resulting sample document will be available exclusively to IMLA members as an invaluable resource when drafting and negotiating construction contracts.</p>	<p>Doug Black, Roy Cooper & Dennis Cavanaugh</p> <p>Moderator: Christopher Petrini</p>
12:00PM to 5:00PM	Golf Outing	The fee is \$41 and includes one round and a cart. Rental clubs are available with a \$40 fee. Transportation will be provided. Please e-mail info@imla.org if you are interested in reserving a spot. BUSES DEPART AT 10:50AM.	
12:15PM to 2:00PM	IMLA Awards Lunch		
2:00PM to 3:00PM	Autonomous Vehicle Legislative Drafting Focus Group: Weighing the Federal Autonomous Vehicles Bills	Join IMLA members and the National League of Cities for a feedback session comparing the pros and cons of the Senate and House legislation on autonomous vehicles. If your city has AV testing today or is watching how it will impact your city streets, we welcome your insight as we compare the language in the bills, including city roles, preemption, and data sharing. Note: this session is not for CLE credit.	Brittney Kohler & Gregory Rodriguez
2:00PM to 3:00PM	Telecommunications – an overview of federal law for Municipalities	Experienced telecommunications attorneys will discuss a host of current events at the Federal Communications Commission that directly impact municipalities, including: (1) Funding opportunities that can benefit municipal anchor institutions, including the FCC's E-Rate and Telehealth programs; (2) Infrastructure – FCC proceedings and policies on infrastructure will be discussed, including issues relating to leasing capacity for wireless deployments on municipal-owned infrastructure, "Dig Once" policies and 5G/small cell deployment; and (3) Spectrum – The presentation will include a discussion of various spectrum initiatives at the FCC that municipalities should track. This includes public safety spectrum bands at 4.9 GHz, the T-Band, and FirstNet. The presentation will also summarize other FCC spectrum initiatives and how the agency's goal of providing more spectrum for 5G could impact municipalities.	<p>Albert Catalano, Gregory Kunkle & Wes Wright</p> <p>Moderator: Laura Mueller</p>
2:00PM to 3:00PM	Fast Facts About Smart Cities	Communities across the country want to become Smart Cities. This panel will highlight what you need to know about the many factors that make a community a Smart City.	<p>Michael Ruger & Ray Purser</p> <p>Moderator: Ralph Hildebrand</p>

TIME	TITLE	DESCRIPTION	SPEAKERS
2:00PM to 3:00PM	Small / Rural Communities Presentation: How to Attract New Residents and Businesses	15 years ago, Franklin, Tennessee had a population of 31,000. Since that time, it has experienced rapid growth. Its population has more than doubled to 71,000 and it has become the most sought after city in Tennessee to live and to work. Hear from both the City's planning director and the City's attorney to understand how to handle growth like this in your community from both a planning and legal perspective.	Shauna Billingsley & Emily Hunter Moderator: Douglas Haney
2:00PM to 3:00PM	Trends In Shareholder Litigation: Are Your Investments Protected?	Since the passage of the Private Securities Litigation Reform Act of 1995 ("PSL-RA"), institutional investors, including numerous U.S. and Canadian municipal retirement systems, have taken an active role in the most significant cases that have been litigated in the field of shareholder litigation. For municipalities, entrusted with safeguarding the retirement income of their members, meeting your fiduciary obligations in today's global shareholder litigation context means more than simply allowing a custodian to file proofs of claim. Increased litigation overseas and complex settlements mean that legal counsel face additional challenges in protecting and recovering assets. This session will discuss recent developments affecting municipal plans and what policies and procedures can be put in place to ease the burden.	Jeff Dana & Jon Davidson Moderator: Barbara Adams
2:00PM to 3:00PM	The Appeal Killers –Avoiding The Traps That Can Doom Your Appeal Before It Begins	What you do – or don't do – at trial can make or break your appeal. An experienced appellate practitioner will provide crucial tips for preserving objections, making adequate offers of proof, navigating jury instruction and verdict form issues, and more.	Alana Rotter Moderator: Lori Bluhm
2:00PM to 3:00PM	Stormwater & Wastewater Update	Municipalities have been facing increasingly difficult challenges in managing stormwater, wastewater, and sewage sludge from wastewater treatment plants. At the same time, enforcement of environmental regulations against municipalities is becoming more common and, in some cases, can result in dramatic civil penalties. This session will provide an overview of the regulatory programs, trends, and enforcement in the areas of municipal stormwater, combined sewers, disposal and use of sewage sludge and biosolids, and other related issues, including how municipalities can minimize their exposure to enforcement.	Scott Gould, Ade Bakare & Steve Matzura Moderator: Andrew Whalen
3:00PM to 3:15PM	Coffee Break		
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4:30PM to 5:15PM	Listserv Meeting		
4:30PM to 5:30PM	Nominating Committee Meeting		
6:00PM to 8:00 PM	Welcome Reception	Kick off the 83rd Annual Conference in Houston, Texas at the Welcome Reception taking place at the Museum of Natural Science. Enjoy food, drinks and networking! A badge is required for entry. Bus transportation will be provided, boarding time is 5:40PM.	

Friday, October 19th, 2018

TIME	TITLE	DESCRIPTION	SPEAKERS
7:00AM to 5:15PM	Registration		
7:00AM to 8:00AM	State Breakfast		
8:00AM to 8:45AM	Opening Ceremonies		
8:00AM to 5:30PM	TCAA Program	See Full Schedule Below.	
8:45AM to 5:00PM	Canadian Day	See Full Schedule Below.	
8:45AM to 10:15AM	Powering your Community: Municipal Legal issues in the age of Renewable Energy Generation and Sustainability	The first presentation will be a primer for municipal practitioners on development of local renewable energy facilities through P3 contracts, host community agreements, net metering or power purchase agreements. The program will introduce concepts such as community aggregation, net metering, renewable portfolio standard programs and foster an understanding of how federal and state energy policy impact development of these local facilities. Practitioners will learn how to protect municipalities when structuring deals with project developers, including a “traps for the unwary” checklist. The second presentation will offer a case study of the City of San Diego’s landfill gas-to-energy P3 project, in which gas from Miramar Landfill is being used to produce electricity to power the City’s biosolids and indirect potable reuse facilities to help achieve the City’s renewable energy goals in its ambitious climate action plan. The design-build-finance-operate-maintain project delivery method is being utilized. A third presentation will include a discussion of the Community Solar Garden program that was created by the Minnesota Legislature in 2013, which allows for opportunities to invest in renewable resources. Under the program, the Public Housing Agency of the City of Saint Paul entered into a 25-year community solar garden agreement with a private developer. Under the Agreement, 10 hi-rises and the Central Administrative Office building are connected to a community solar garden where the public housing will completely offset its electric costs with billing credits from solar energy. The Agency saves about \$140,000 per year in energy costs, much of which it can reinvest in its housing mission.	Steven Torres, Eric Petersen & Louise Seeba Moderator: Wynetta Massey
8:45AM to 10:15AM	A Tale of 2 Cities: Legal Strategies and Solutions for Handling Homelessness	This session will provide the perspectives of Portland, Oregon and West Palm Beach, Florida, as to how local governments can approach the issue of homelessness. The discussion will center on some of the main issues that local governments face with regard to the homeless population: parks, policing, property values, and politics. What can local governments do to help find solutions in this area? These two cities offer different solutions to the same problems you can find from coast to coast.	Andrea Barraclough, Kimberly Rothenburg & Armando Fana Moderator: Patrick Baker
10:15AM to 10:30AM	Coffee Break		
10:30AM to 12:00PM	Telecommunications - Managing Rights-of-Way: The New Hub for Wireless, Internet of Things and Smart City Applications	This program will focus on the challenges and opportunities in locating wireline and wireless communications infrastructure in your rights-of-way and the ever increasing assaults at the state, local and federal level to limit local control over, and charges for, use of the rights of way. Such efforts will accelerate as legislatures and regulators push to promote deployment of infrastructure to support the Internet of Things including autonomous and connected vehicles.	Gerard Lederer, Joseph Van Eaton & Gail Karish Moderator: Joseph Van Eaton

TIME	TITLE	DESCRIPTION	SPEAKERS
10:30AM to 12:00PM	First Amendment: More Protests, More Problems	This panel will begin with a case study from the Charlottesville City Attorney who will discuss what happened a year ago with regard to the protest and counter-protest that ultimately led to a counter-protester tragically being killed. Hear about what happened in 2017, and how the City prepared for additional protests from the same groups on a planned “anniversary event” in 2018, seeking to balance public safety and the First Amendment. The second speaker will provide the prospective from a city that is well-versed in protests. Once dubbed “Little Beirut” by George H.W. Bush’s staffers, Portland, Oregon sees regular protests and will provide insight into their policies/procedures regarding protest management, their proactive relationship with the ACLU, and their time, place, and manner restrictions.	Lisa Robertson, Andrea Barraclough Moderator: Roger Horner
12:00PM to 1:30PM	Luncheon: Keynote Speaker		City of Houston Council Member (CM) Amanda Edwards
1:35PM to 2:35PM	Artificial Intelligence in Municipal Legal Practice and Governance	Across the legal landscape, Artificial Intelligence is making inroads in the way lawyers do their work, and in the way their clients are conducting their businesses. Municipal practice is no different. The coming years will require municipal lawyers to apply new AI tools in the delivery of their services, but will also require an understanding of the many ways that AI will transform aspects of municipal operations and governance. This session will provide an understanding of the state of the art of AI as it makes inroads in both of these spheres.	David Curle Moderator: Iris Jones
1:35PM to 2:35PM	The True Ferguson Effect— The overall impact of federal involvement in state/local government affairs	The aftermath of a tragic event can cause a ripple effect that changes the very fiber of how a municipal government operates. When federal oversight is part of that ripple effect, municipalities can face a variety of operational, cultural, and budgetary challenges that change the very nature of that government entity. This presentation will explore the wide-spread impact of federal oversight in state/local municipal affairs and how the broad ripple affect seeps through almost every aspect of municipal government. It will also provide detail regarding the hidden “costs” of federal oversight that government officials may not understand at the outset. Finally, it will explore the issues and provide insights on how to manage the conundrum of dealing with competing interests of the federal government, municipal employees, citizens, and local/elected officials. Presented by the current City Attorney for Ferguson, MO.	Apollo Carey Moderator: Nancy Thompson

TIME	TITLE	DESCRIPTION	SPEAKERS
1:35PM to 2:35PM	Garbage and Recycling: Local Governments Managing the Global Issue	China has significantly limited the mixed recycling it will accept from the United States. With the imposition of tariffs, this situation is constantly changing. On the west coast, China's rejection of mixed recycling has had a huge impact on local governments managing solid waste and recycling franchises. The rest of the country faces different challenges with these agreements. The presenters will discuss: (1) considerations in negotiating a franchise agreement; and (2) the changing recycling market and how local jurisdictions can approach this issue with flexibility and nimbleness.	Amanda Guile-Hinman & Richard Coupland Moderator: Mujeeb Shah-Kahn
2:40PM to 3:40 PM	Litigation Section Meeting: Emerging Issues	The presentation will feature emerging issues for litigators including the use of video and other electronic evidence in discovery, trial and appeals; the varying "totality of circumstances" standards among state and federal appellate courts concerning conduct leading up to the use of force as a basis for liability; and a legal and practical analysis of the state of the law on use of force and the ADA post Sheehan	Timothy Coates, Susan Lappen & Paul Reuvers Chairs: Timothy Coates & Patricia Beety
2:40PM to 3:40 PM	Looking Forward: FEMA Flood and Disaster Programs React to Increasing Disaster Costs and Budget Pressure.	Presentations and discussion on how and why federal disaster funding is becoming more uncertain for local governments – observations on legislation, FEMA policies, and appeal jurisprudence.	Ernie Abbott & Wendy Ellard Moderator: Jodie Woods
2:40PM to 3:40 PM	Employment Law Section Meeting: Diversifying the Public-Safety Sector: A practical approach to incorporating under-represented groups into fire departments and law enforcement organizations	This will be a collaborative presentation about the realities of diversifying organizations that have historically struggled with inclusiveness. In addition to covering the laws that affect workplace diversity, there will be a discussion about real-world successes and challenges, as well as practical tips for creating and maintaining more diverse public-safety departments.	Kelly Albin & Deidra Sullivan Chairs: Robin Cross & Lindsay Rose
2:40PM to 3:40 PM	Telecommunications Section Meeting	The first presenter will address the continued issue of franchise fee revenue from cable operators. At issue is whether that \$3 billion in annual franchise fee revenue now going to municipalities will remain an income source in the coming years. This presentation will address that issue, the pending FCC proceedings which could jeopardize that franchise fee revenue stream and the future of cable franchising as cities undertake planning for potential impacts to their local budgets. The second presenter, a professor of Toxicology and Health Effects of Electromagnetism will discuss the issue of 5G and how it is an invasion of property and privacy, but also brings serious negative health impacts, which are already documented by cell biology, animal experiments and human health records.	Brian Grogan, Paul Heroux & Daniel White Chairs: Michael Watzka & Daniel White
2:40PM to 3:40 PM	International Committee Meeting	The agenda for the meeting is as follows: 1. Presentation on IMLA Mission to Israel scheduled for November 24 – December 1, 2018 and proposed agenda for the trip; 2. Preliminary discussion of IMLA Berlin meeting late 2019 – IMLA Member Sven Kohlmeier, Member of Parliament, Berlin, Germany; and 3. Preliminary discussion of IMLA Ireland meeting 2020.	Benjamin Griffith Chair: Benjamin Griffith

TIME	TITLE	DESCRIPTION	SPEAKERS
2:40PM to 3:40 PM	E-discovery Section Meeting: Social Media Issues Relating to eDiscovery and Open Records Requests	The first presentation will explore what challenges exist for collection, processing and review of social media and mobile device data for eDiscovery and/or response to public records requests. The second presentation will discuss privilege waivers and “possession, custody, and control” issues related discovery and open records requests for social media data.	Peter Haskel & Jeffrey Wolff Chair: Peter Haskel
3:40PM to 3:55 PM	Coffee Break		
3:55PM to 4:55PM	Land Use Section Meeting: To Zone or not to Zone	Houston is the largest city in the United States without zoning. The Houston model of no zoning makes it more intellectually challenging to find ways to accomplish planning goals without that tool. Euclidean zoning has seen criticism and alternative models (form based codes, flexible zoning, the problems with zoning) have come under increased scrutiny from an extension of exclusionary challenges to the historical impacts of redlining and broader social justice issues (education, infrastructure, jobs, transportation, health and food service location, crime, etc.). This presentation will provide lessons as to what cities can learn from a no zoning model.	Kim Mickelson & Kristen Bray Chairs: Susan Trevarthen, Julian Grant & Ron Shaver
3:55PM to 4:55PM	Finance / Economic Development Section Meeting	The first presentation will focus on how to approach the bankruptcy of a large business receiving economic development funds from a city. The second presentation will discuss the collection of hotel taxes from online sales and the possible effect of the Supreme Court’s South Dakota v. Wayfair sales tax case.	Miles Risley & Justin Bragiel Chairs: Robert Doty, Julian Grant & George Hypolite
3:55PM to 4:55PM	Environmental Law Section Meeting: Too Many Environmental Problems, Too Little Time: Tips on Handling Environmental Liability in Transactions and Litigation	This presentation will discuss how to avoid getting sued over environmental matters, what to do when you are sued, and novel approaches to environmental challenges.	Gene Tanaka & Rebecca Andrews Chairs: Gene Tanaka & Michelle Butlin
3:55PM to 4:55PM	Technology Section Meeting: E-discovery focus	The first presentation will discuss privilege waivers and “possession, custody, and control” issues related discovery and open records requests for social media data (which will be a repeat of portions of the e-discovery section meeting). The second half of the presentation, entitled perfection is not required in responding to ediscovery, will discuss defensible methodology for imperfect legal holds and searches.	Peter Haskel Chairs: Peter Haskel & Chris Weema
3:55PM to 4:55PM	County Department Meeting	This meeting will include presentations on the following issues relevant to counties: 1) “Legal” marijuana in the jails; 2) the Janus decision and union dues.	Silvia Kinch & Marc Hansen Chair: Marc Hansen
3:55PM to 4:55PM	Looking Forward: FEMA Flood and Disaster Programs React to Increasing Disaster Costs and Budget Pressure.	Presentations and discussion on how and why federal disaster funding is becoming more uncertain for local governments – observations on legislation, FEMA policies, and appeal jurisprudence.	Ernie Abbott & Wendy Ellard Moderator: Jodie Woods
6:00PM to 7:30PM	Best Friends Reception		

Saturday, October 20th, 2018

TIME	TITLE	DESCRIPTION	SPEAKERS
7:30AM to 5:15PM	Registration		
7:45AM to 8:50AM	WONK Breakfast		
8:00AM to 6:00PM	Rebuilding Together Houston's Fall Volunteer Home Repair Program (VHRP)	October 20th is the first work day for Rebuilding Together Houston's Fall Volunteer Home Repair Program (VHRP). There will be 50+ volunteer crews out repairing the homes of low-income homeowners. The crews will be making runs to the warehouse to pick-up more materials (wood, paint, etc.) and to drop off trash. The IMLA volunteers will serve in the warehouse. Warehouse volunteers will be pulling and helping to load orders and assisting the crew leaders with their needs. Visit http://imla.org/events/conferences#volunteer-opportunity to register.	
9:00AM to 10:30AM	Local Governments and the Opioid Crisis	The national opioid epidemic has impacted virtually every city, town and county across the country, taking lives, destroying careers and costing localities billions of dollars in medical, social services, workers compensation, insurance and law enforcement expense. As of May 2018, an estimated 1000 municipalities have filed against the opioid manufacturers, distributors, prescribers and purveyors—with many more still assessing the best response. This panel will discuss the opioid litigation including the relative merits of filing in-state or in the National Prescription Opiate MDL, the current status of the litigation, and some of the remedial efforts that state and local governments are undertaking to address the crisis.	Matt Melamed, Sy Polky & Megan Greene Moderator: Erich Eiselt
9:00AM to 10:30AM	Land Use: A Local Government's Obligations Under the Fair Housing Act	This session will begin with an overview of the Fair Housing Act and help you understand what local governments' obligations are under the Act. The second presenter will discuss reasonable accommodations under the FHA, including practical lessons on how to handle zoning and variance issues. The third presenter will update you on the status of the affirmatively furthering fair housing rule and explain your obligations under the rule.	Brian Connolly, Michael Allen & Patricia Link Moderator: Tyrone Cooper
10:30AM to 10:45AM	Coffee Break		
10:45AM to 12:15PM	Social Media and Local Governments: Issues for Elected Officials and Policy Issues for Local Governments Own Use	The first part of this presentation will be focused on First Amendment and transparency issues with government social media, including redacting comments, limiting links, candidate social media, and public access and archiving. The next presentation will discuss legal challenges local governments can face with regard to elected officials' use of social media. The final presentation will go over the provisions that should be in your local government's social media policy to prevent you from falling into some of the traps for the unwary.	Frayda Bluestein, Leo Rogers & Stephen Hines Moderator: Mary Ellen Bench
10:45AM to 12:15PM	Employment Law: Handling Complaints of Harassment in the "Me Too" Era and Workplace Investigations	How do we handle claims of harassment in today's environment? When an employee doesn't speak up for years, how do we know that prior conduct was unwelcome? Does a statute of limitations matter in the court of public opinion? This presentation will discuss the following: <ul style="list-style-type: none"> • Conducting investigations & why you need investigations • Importance of findings; how to make findings correctly that don't add to your liability issues • Investigator's deposition and its importance; how to defend the investigation in a lawsuit • Confidentiality, FOIA requests, etc. 	Jennifer Will, Eileen Begle & Christopher Rider Moderator: Rosemary Humway- Warmuth

TIME	TITLE	DESCRIPTION	SPEAKERS
12:15PM to 2:00PM	Lunch on your own		
2:00PM to 5:00PM	Land Use / Mobile Workshops		
2:00PM to 5:00PM	Code Mobile Workshop		
2:00PM to 6:00PM	Woodlands Mobile Workshop and Reception		
5:30PM to 8:00PM	Softball	<p>The annual softball game will be held on Saturday, October 20th at Memorial Park. A bus will pick up the participants at the hotel transport them to Memorial Park. At the end of the game, each participant will be dropped off by bus at a local bar, Guadalajara Del Centro . All participants will receive a free softball jersey and cap. The organizing committee will supply softballs, bats, snacks, and drinks. No alcoholic beverages are allowed at Oakes Park. Each participant is encouraged to bring a glove and a jacket or sweatshirt, and must sign standard waiver forms required by IMLA. This is a free event, but bus seats will be given at a first come, first served basis.</p> <p>BUSES DEPART AT 5:30PM.</p>	

Sunday, October 21st, 2018

TIME	TITLE	DESCRIPTION	SPEAKERS
7:45AM to 12:10PM	Registration		
8:00AM to 8:45AM	Business Meeting		
8:30AM to 8:45AM	Coffee Break		
8:45AM to 9:45AM	Local Governments Held for Ransom: Lessons Learned from the Atlanta Cyber Attack	In March 2018, the City of Atlanta experienced a sophisticated ransomware attack that made national headlines. The hackers literally held the City for ransom, preventing it from using certain critical databases like those for the judicial system and first responders until the City agreed to pay the hackers to unlock the City's systems. Attacks like these demonstrate that local governments are vulnerable to cyber threats. Hear from the City of Atlanta on what happened and also learn best practices from a cyber-security expert on how to help prevent your client from becoming the next headline.	Rhonda Collins & Roy Hadley Moderator: Sharae Reed
9:45AM to 10:00AM	Coffee Break		
10:00AM to 11:00AM	Case Law Update	This perennial favorite will provide an overview of highlighted Supreme Court and Circuit Court cases from around the country that are relevant to local governments including everything from employment law cases to land use and police misconduct cases.	Douglas Haney Moderator: Wynetta Massey
11:05AM to 12:05PM	Ethics: Scandal - How to be a Real Life Municipal Gladiator	Presenters will use recent examples to demonstrate the municipal attorney's responsibilities to government officials and employees under investigation or indictment for criminal offenses. Presenters will provide a road map for dealing with public officials, the community and media during the crisis. Additionally, presenters will provide the legal framework of the ABA Model Rules of Professional Conduct, constitutional law, and the interplay of criminal procedure and local disciplinary rules of professional conduct.	Leah Hayes & Akilah Mance Moderator: Douglas Haney

ILGL Program
Institute For Local Government Lawyers
Wednesday, October 17, 2018

TIME	TRACK	TITLE	DESCRIPTION	SPEAKERS
7:30AM	ILGL	Registration Opens		
8:30AM to 8:45AM	ILGL	Opening Remarks		Frank Gummey III
8:45AM to 9:30AM	ILGL	Sunshine Laws - Key Concepts and Hot Topics	Public Record (FOIA) laws and open meeting requirements provide transparency and accountability in local government. New city and county attorneys must be familiar with the basic coverage and scope of the transparency laws that govern their clients, as well as the exceptions that apply (whether by statute or court interpretation). These laws vary from state to state, but some issues are universal. Hot topics to be discussed include electronic records and metadata, virtual meetings and remote participation in meetings, status of records in social media, standing requests, status of citizen information in public records, public information on private devices and accounts, and private information on government devices and accounts. Using scenarios involving common transparency issues as prompts, participants will be invited to talk about the basic rules and emerging issues in their jurisdictions.	Frayda Bluestein
9:40AM to 10:40AM	ILGL	Parliamentary Procedure	Municipal and county governing boards are often populated with well-meaning public servants who have little or no understanding of parliamentary procedure. Consequently, they may conduct their meetings informally, applying procedural rules loosely and perhaps even inconsistently. This “down-home” approach might appear to work well when the board is dealing with noncontroversial matters. Yet when controversy arises – and it always does – the result can be multiple motions made in rapid succession and members who are confused about what they are being asked to vote on. In such situations, the presiding officer is likely to seek the advice of counsel. This presentation will arm local government attorneys with basic principles of parliamentary procedure, examine the legal sources of those principles, and review common procedural problems.	Trey Allen
10:40AM to 10:55AM		Coffee Break		
10:55AM to 11:40AM	ILGL	Fundamentals of Municipal Finance and Borrowing	Municipal attorneys are often asked, “Can we do this?”, when “this” relates to getting, spending, and borrowing money by their municipal clients. This session will consider the essential legal issues attendant to that question. We will discuss basic constitutional issues like public purpose, corporate purpose, and lending of the public credit; the theoretical distinction between taxes and fees; the legal ramifications of that distinction; and other limitations on the ways that municipalities can get and spend money. We will also briefly consider the role and types of municipal borrowing. Because the laws vary widely from state to state, the session will focus on issue spotting and general questions that the municipal attorney should consider when asked financial questions.	Eric Shytle

TIME	TRACK	TITLE	DESCRIPTION	SPEAKERS
11:40AM to 11:45AM	ILGL	Morning Program Evaluations		
11:45AM to 12:35PM		Lunch Break (provided)		
12:35PM to 1:20PM	ILGL	Land Use 101	Land Use Law 101 is designed to serve two audiences. First, for those new to land use law, this is a primer on all the basics you need to know to spot issues and to determine when you need to dig deeper. Second, for the experienced practitioner, it is a comprehensive update of the most recent developments, typically those of the last year, from trial court decisions to the U.S. Supreme Court, all in the context of the issues faced daily in this practice. The focus is on practicality and take-home value.	Jeffrey L. Zyontz
1:30PM to 2:15PM	ILGL	Personnel and Employment Law	<p>It often has been said that one of the largest components of a local government budget is for personnel and labor costs. While there are many similarities between guiding employers between the public and private sectors, public employers have some additional concerns not faced by their private employment counterparts.</p> <p>This presentation provides some road maps and guide posts to help navigate through the maze of federal and state statutory employment requirements along with discussion of some common law doctrines particularly focused on the public sector.</p> <p>Among topics to be addressed are the following:</p> <ul style="list-style-type: none"> • The Employment Framework – Employee, Volunteer or Independent Contractor; At Will Status • Overview of Selected Federal and State Labor Laws • Constitutional Protections for Public Employees, Including Employee Speech • The Life Cycle of Employment from Hiring to Discipline to Termination • The Municipal Attorney’s Role 	Roberta Cross
2:15PM to 2:30PM		Coffee Break		
2:30PM-3:30PM	ILGL	Ethics	Representing a local government provides opportunities for great satisfaction as well as many challenges. Among the latter are issues arising from the many opposing and possibly conflicting concerns facing a municipality. The municipal lawyer may be asked for guidance from multiple sources and on multiple occasions. The standard ethics rule guidance is to note that the municipal attorney’s client is the municipal corporation itself. But that guidance needs clarification in the real world. For example, who is the client when individual governing board members make legal inquiries? To whom are confidential duties owed? Who may waive confidentiality? How may municipal lawyers interact with officials or employees on “personal” matters? When do conflicts of interest arise, and how can municipal lawyers anticipate them with 20-20 hindsight? This session seeks to provide an interactive review of these and other issues which arise in the course of providing legal advice and guidance to a municipality.	Chuck Thompson
3:40PM to 4:40PM	ILGL	Negotiations	This presentation will outline the steps in preparing for a negotiation, discuss factors to consider in picking a strategy, and demonstrate both how to use and how to counter some of the most common negotiation tactics.	DeWitt “Mac” McCarley
4:40PM to 4:50PM	ILGL	Afternoon Program Evaluations		

Code Program

Wednesday & Thursday, October 17 & 18, 2018

Wednesday, October 17th, 2018

TIME	TRACK	TITLE	DESCRIPTION	SPEAKERS
9:00AM to 10:00AM	CODE	Nuts and Bolts Presentation: How does the 4th Amendment apply to code enforcement	Illegal searches under 4th Amendment can be one of the biggest risks for a code enforcement officer. This presentation covers how to reduce the risk.	Robert Pritt
10:00 AM to 10:15AM		Coffee Break		
10:15AM to 11:15 AM	CODE	Impact of the Religious Land Use and Institutionalized Persons Act (RLUIPA) on code enforcement	This presentation will educate attendees on RLUIPA's impact on code enforcement activities.	Russell Hildebrand
11:15AM to 12:15 PM	CODE	Tips/Lessons Learned Regarding Defending Quasi-Judicial Decisions in Court	This presentation will provide attendees with information about how to improve the likelihood of success when a quasi-judicial decision is appealed to a court or other appellate body.	Kimberly Grinnan Kelley & Gunnar Seaquist
12:15PM to 2:00PM		Lunch on Your Own		
2:00PM to 3:00PM	CODE	Impact of mental health on effective code enforcement	This presentation focuses on what you need to consider, legally and practically, when enforcing code enforcement-related laws and the individuals involved are experiencing mental health issues	
3:00PM to 3:15PM		Coffee Break		
3:15PM to 4:15PM	CODE	Code enforcement ethics	This presentation will cover ethical conundrums in code enforcement.	Patricia Link
4:15PM to 4:45PM	CODE	Media and crisis management issues	This presentation will cover what code enforcement officials should do when media and crisis management issues arise.	Jennifer Richie

Thursday, October 18th, 2018

TIME	TRACK	TITLE	DESCRIPTION	SPEAKERS
8:30AM to 9:30AM	CODE	Case Law Update	This case law presentation will focus on code enforcement-related cases.	Sherri Russell
9:30AM to 10:30AM	CODE	Regulating Dockless Bike / Scooters	This presentation will focus on issues for code enforcement officials as they seek to regulate dockless bikes and scooters.	Emily Warren & Angela Rodriguez
10:30AM to 10:45 AM		Coffee Break		
10:45AM to 12:15 PM	CODE	Presenting and Preparing Witnesses	This presentation covers practical tips to help attendees effectively prepare and present witnesses for depositions and trials.	Julie Apter

TCAA Program

Friday, October 19, 2018

TIME	TRACK	TITLE	DESCRIPTION	SPEAKERS
9:00AM to 9:15AM	TCAA	Welcome and Opening Remarks		Dotty Palumbo
9:15AM to 9:45AM	TCAA	Service Animals	An overview of Texas and Federal Law regarding accommodation of Assistance or Service Animal in Public Places. Includes basic legal definitions and a summary of required modifications and methods of treatment of animals and their owners.	Mick McKamie
9:45 AM to 10:15AM	TCAA	ADA Facility Compliance – What to do When the Feds Come Knocking	The presentation will focus on access compliance to public facilities for the disabled, with a specific focus on sidewalks. With the various laws which apply, the presentation will highlight a practical approach to interacting with the state and federal agencies in furthering an entity's compliance obligations.	Ryan Henry
10:30AM to 11:00AM	TCAA	Public Information Act: How to Effectively Intake, Process, and Respond to Requests	The presentation will focus on identifying a public information request, steps to process the request and how to properly respond. The presentation will also discuss what constitutes public information, determining what information may be released to the public and the importance of responding to the request in a timely manner.	Dawn Roberts
11:00AM to 11:30AM	TCAA	Political Hot Topics in Land Use (Confederate Monuments, Street Naming, Affordable Housing, Etc.)	Attorneys often encounter hot land use issues at local levels of government. While those issues may include the zoning application du jour or some other topic that results in droves of constituents descending on city council chambers or a county commissioners court meeting, there are a few issues out there that recently have become the subject of intense public debate, including the removal of Confederate monuments and renaming streets and other public facilities, municipal regulation of bike shares, and low income housing tax credits . The purpose of the presentation is to review and analyze how cities across Texas and the nation have endeavored to address, and hopefully resolve, those hot-button issues.	Terry Welch
11:30AM to 12:00PM	TCAA	Recent Federal Cases of Interest to Cities	This session will provide a synopsis of the most important federal cases that affect cities and that have been decided in the last year.	Randy Montgomery
1:55PM to 2:10PM	TCAA	Business Meeting	Election of TCAA Officers and Passing of the Gavel	
2:10PM to 2:40PM	TCAA	Top Employment Law Challenges in the Workplace	This presentation is an overview of top employment law challenges in the workplace and will be presented by an in-house Deputy City Attorney and Director of Human Resources/Risk Management/Civil Service Director. The speakers will provide a brief summary of the relevant statutes and share cases involving those statutes.	Victoria Huynh

TIME	TRACK	TITLE	DESCRIPTION	SPEAKERS
2:40PM to 3:10PM	TCAA	"Like" it or Not: Developing Social Media Guidelines for City Employees	The prevalence of social media and widespread use of smartphones has made social media policies a must for cities and municipal governments. "Like " it or Not: Employees ' Rights and Responsibilities on Social Media will discuss how city governments can effectively balance employees ' First Amendment right to free speech with the need to maintain high standards of professionalism and community trust.	Mari McGowan
3:10PM to 3:40PM	TCAA	Legislative Forecast	Texas cities, like those in many other states, are under attack from their state legislature. If 2015 was the year that local control began to lose its luster as a governing principle among some state leaders in Texas and elsewhere, the 2017 Legislative Sessions—regular and special—saw the culmination of this unfortunate trend. The new, improved mantra at the Capitol is "liberty." Come hear what's on the horizon for Texas cities heading into the 2019 legislative session.	Scott Houston & Bill Longley
3:55PM to 4:25PM	TCAA	A Legal Perspective on City Efforts to Create Innovation-friendly Environments for Entrepreneurs and Startups	As cities create innovation-friendly environments for entrepreneurs and startups, legal concerns should not be overlooked. The presentation will introduce attendees to the City Initiatives for Technology, Innovation and Entrepreneurship ("CITIE") framework and address how cities can encourage innovation in its role as a Regulator, Customer, or Digital Governor. The presentation will also discuss legal issues to address as city attorneys work with city leaders to: (i) regulate innovative business models, (ii) modify procurement policies and procedures, and (iii) foster digital citizen engagement.	Lisa Mares
4:25PM to 5:25	TCAA	Anti-Slapp Suits	A SLAPP (Strategic Lawsuits Against Public Participation) suit is one that is designed to burden a person with costly litigation in order to silence that person's opposition or public criticism. This presentation will review the Texas Anti-SLAPP Statute (Texas Civil Practice and Remedies Code Chapter 27), and will discuss a City Attorney's ethical duties, conflicts, responsibilities and best practices for addressing issues under the anti-SLAPP statute.	Derra Purnell

Canadian Day Program

Friday, October 19, 2018

TIME	TRACK	TITLE	DESCRIPTION	SPEAKERS
8:45AM to 9:00AM	CANADA	Opening Remarks from Chair		Paul DeMelo, Kagan Shastri LLP
9:00AM to 9:40AM	CANADA	Acting as an Approval Authority and the Intersection of Municipal, Planning, and Environmental Law	This presentation commences by examining at a high level, numerous examples where municipal, planning, and environmental law collide, which municipalities and their legal counsel need to be aware of. It proceeds to discuss the complexity of such intersections and the need for legal counsel for municipalities, in furtherance of competent risk management, to remind/make recommendations to professional staff to further certain elements of due diligence prior to the municipality making final determinations. Some selected case studies and recent tribunal decisions are examined in more particularity, which serve as interesting and practical examples of the intersection of municipal, planning, and environmental law and related duties. The presentation concludes with a reminder that legal counsel, when recommending certain due diligence to expert professionals, cannot substitute their work for that of other professionals or allow their work to be represented by professional staff as their own opinion and examines the line between appropriate legal due diligence recommendations and inappropriate/prohibited substitution of opinion.	Wayne Meagher, County Barrister & Solicitor, Middlesex County
9:40AM to 10:15AM	CANADA	Securing Public Buildings against Potentially Dangerous Individuals; Freedom of Expression Implications		C. Kirk Boggs
10:15AM to 10:30AM	CANADA	Morning Break		
10:30AM to 11:30AM	CANADA	The Impact of Cannabis Legislation on Municipal Authorities	This panel will explore the key challenges facing Canadian municipalities as a result of the legalization of cannabis on October 17th. It will focus on the issues relating to the sale and consumption of recreational cannabis and the important tools needed to manage these challenges.	Joy Hulton, Byron Werry & Ralph Hildebrand
11:30AM to 12:00PM	CANADA	Blockchain as it relates to Municipal Government	Blockchain technology is more than just Bitcoin. Although blockchain is still in its infancy, it has the potential to have huge impact. New technology often brings great opportunity, coupled with unique challenges; blockchain will be no different. From a municipal perspective, opportunities exist in potential application with respect to voting systems, supply chain, smart cities, smart contracts, and more. At the same time, one of the potential challenges for municipal government will likely be issues surrounding privacy and how the technology will fit within, or pose challenges to, current requirements under privacy legislation. My presentation will explore these opportunities and challenges and encourage municipal leaders to remain current and informed on blockchain technology's development.	Ashley Bridgeman
12:00PM to 1:30 PM	CANADA	Lunch		

TIME	TRACK	TITLE	DESCRIPTION	SPEAKERS
1:30PM to 2:15PM	CANADA	The Opioid Crisis and its impacts on Municipalities	The opioid crisis is the rare pressing policy issue that concerns municipalities across Canada of all sizes. Fentanyl is ubiquitous in Sault Ste.-Marie as well as in Vancouver. The roots of this crisis are complex. No single entity—private or public—is capable of addressing its consequences. Municipalities, however, are on the front lines. Laudably, they have already instituted policies intended to mitigate the crisis and save lives. In May 2017, the Federation of Canadian Municipalities Big City Mayor’s Caucus produced a thorough list of recommendation to address the opioid crisis. These recommendations spanned harm reduction, treatment, prevention and enforcement. This presentation will cover these and other policy initiatives with a view to suggesting practical strategies and best practices for municipal lawyers and risk managers.	Matt Brown & Avril Allen
2:15PM to 3:00PM	CANADA	Municipal Regulation of Expression		Raj Kehar & Kim Mullin
3:00PM to 3:40PM	CANADA	Paying for Climate Change: How Will Local Governments Foot the Bill?	This presentation will explore the legal and policy questions surrounding Canadian local governments’ jurisdiction to raise revenue to pay for climate change mitigation and adaptation. With local governments already bearing a substantial portion of the costs of climate change and with their powers constrained by statute, local governments will need to look to creative solutions in order to find the necessary revenue. This presentation will review some of these possible solutions, including the viability climate change litigation and the use of green bonds.	Ian Moore
3:40PM to 3:55PM	CANADA	Coffee Break		
3:55PM to 4:35PM	CANADA	Changes to Handling Construction Project Issues: Things to Know for 2019	Prompt payment and adjudication have become buzz words in Canadian construction law, stemming from the expert review of Ontario’s (then) Construction Lien Act and the substantial legislative amendments that followed, which include implementation of prompt payment and adjudication in October 2019. With multiple provinces considering adoption of similar regimes, and the federal expert review recently concluding that prompt payment and adjudication should be implemented on federal construction projects, it seems only a matter of time before prompt payment and adjudication are a reality across Canada. The intent and operation of prompt payment and adjudication, and implications for municipalities, will be explored, including the impact of contractor insolvencies on the new regime.	Todd Robinson
4:35PM to 5:15PM	CANADA	Who really is your client?		Christopher Williams & Monica Ciriello
5:15PM to 5:30PM	CANADA	Closing Remarks		