

2016 IMLA Distance Learning Schedule

January 11 – Land Use – L1

The Year in Review

While you were messing around last year, paying no attention to the most recent, important statutory and case law developments, our panel of national experts had their noses to their computer monitors and yanked every relevant Tweet off their smartphones. You can have the benefit of their collective knowledge by dialing in to this kickoff session of our annual land-use law teleconference series and getting the highlights of the past year in a way that will help you in 2015.

Speakers:

Nancy Stroud
Peter Salsich
Stuart Meck
Carol Brown
Julie Tappendorf
Dwight Merriam
Dan Mandelker

January 14 – Ethics – E1

Ethics and Technology

The ABA model rules tells us that a “lawyer shall provide competent representation to a client,” and notes that “competent representation requires the legal knowledge, skill, thoroughness and preparation reasonably necessary for the representation.” How far does the ethical obligation of technological competence extend and how can non-geek lawyers satisfy it? This presentation will provide insights into this topic and provide a discussion of ABA Model Rule 1.1, Comment 8.

Speaker:

Peter Haskel

January 20 – Personnel – P1

Topic TBA

Speaker:

Dan Crean

January 25 – Police – PO1

Topic TBA

Speaker:

Jack Ryan

January 28 – Marijuana –

Medical Marijuana Legalization – The Case Study of Florida:

Florida, the third largest state, is ready to become the 26th state to legalize some form of medical marijuana in 2016. As the tipping point to a majority of states adopting some form of legalization, Florida demonstrates how states and local governments are learning from the experiences of earlier legalizations how to regulate a drug that is still illegal under federal law. Non-euphoric medical marijuana is already legal in Florida through legislation which will be implemented in early 2016. Legalizing a broader range of medical marijuana will be debated through both proposed legislation in the spring and a constitutional amendment on the ballot in November. Learn how Florida local governments are trying to get ahead of the curve and prepare for the impact of this change.

Speaker:

Susan L. Trevarthen

February 2 – New Government Lawyer Series – NGLS1

Trial Practice 101: The Anatomy of a Shooting Trial

Officer involved shootings and the potential for police liability in those shootings have become a focal point in the American consciousness. Considering this, it is important to understand what is needed to successfully defend officers involved in these shootings. “Anatomy of a Shooting Trial” will provide an introductory look at the trial tactics, strategies, and logistics of the civil defense of an officer and assist you in your next officer involved shooting trial.

Speaker:

John Wilkerson

February 8 – Land Use – L2

Signs (Warning: This IS a Content-Based Program)

Speakers:

John Baker
Brian Connelly
Dwight Merriam
Dan Mandelker

February 17– Personnel – P2**Tips and Pitfalls for Conducting Internal Investigations of Employee Complaints****Speakers:**

Dan Crean
Sheila Gladstone

February 23 – Litigation – LI1**Litigating Pensions**

The threat that public employee defined benefit pension plans pose to local government finances is real and only getting worse. The recent economic downturn is forcing local governments to make structural changes to their plans or risk financial crisis. In 2011, the City of Atlanta faced an approximately 1.3 billion dollar unfunded pension deficit. Atlanta City Attorney Cathy Hampton and the Law Department were integral to the City of Atlanta's historic pension reform by drafting the reform legislation, facilitating implementation and successfully defending it against a legal challenge. On November 10, 2014, a state court in the class action *Stephen Borders, et al. v. City of Atlanta, et al., Case No. 2013-CV-239021* affirmed the pension reform as both constitutional and effective in reducing the projected unfunded pension deficit from over 2 billion dollars to zero dollars within thirty years. The court's comprehensive, 34-page opinion canvassed federal and state law across the country in granting Atlanta's motion for summary judgment. This legal victory in the approximately 5000 employee class action will protect the plan from future legal challenge.

City Attorney Cathy Hampton, Chief Counsel Robin Joy Shahar and Assistant City Attorney Seth Eisenberg will bring a breadth of knowledge for the development and legal defense of strategic pension reform.

Speakers:

City Attorney Cathy Hampton
Chief Counsel Robin Shahar.

Assistant City Attorney Seth Eisenberg

March 2 – Technology – T1

Drones: Topic TBA

Speaker:

Gregory McNeal

March 8 – Police –PO2

Truth Lies and Body Cameras

There is a great deal of discussion across the country regarding the benefits and drawbacks of body cameras, but with 120 cameras in the field for the past year, Duluth is in a unique position to take it a step further and demonstrate the “boots-on-the-ground” impact of this emerging technology on both police work and trials (tech issues, costs, retrieval and preservation of evidence, impacts on courtroom dynamics, and so on). This presentation will focus on the manner in which body cameras are changing police considerations in the field, as well as the approach of prosecutors at trial.

Speaker:

Nathan LaCousiere

March 14 – Land Use – L3

Sex, Sex, and More Sex

Speakers:

Prof. Alan Weinstein

Dwight Merriam

Dan Mandelker

March 16 – Personnel – P3

Timely Things a Local Government Lawyer Needs to Know about Employment Law

Speakers:

Dan Crean

Lawrence Lee

March 24 – Police – PO3

State & Federal Oversight of Police Agencies Following a Critical Incident – Could it Happen to You?

Given the present climate in police-community relations, it is not uncommon for a law enforcement agency to face protests and ever increasing calls for state, federal and/or civilian oversight following a widely publicized officer-involved death. This webinar will present a case study of one suburban, Southern California city that faced such a challenge, the policing issues involved, the competing state and federal interests, the resulting reforms, and the lessons learned as told by the city attorney who negotiated the stipulated judgment and its dissolution five years later.

Speaker:

Gregory Priamos

March 29 – Telecommunications – TC1

Cell Tower Leasing: Profits and Pitfalls

Local governments can generate long term revenues by leasing land, water towers and buildings for cellular communications towers and antennas. The key to a successful lease is the rental terms, plus the right terms and protective conditions so as to avoid potential legal landmines. John Pestle, Esq. and Jonathan Kramer, Esq. are highly experienced local government telecommunications attorneys who regularly craft and enforce municipal cell tower leases. In this 90-minute webinar, they will walk you through the process of dealing with the cell tower providers and their contractors to help get the best financial terms in leases, and identify and avoid the legal landmines commonly found in industry boilerplate provisions, including the risk of accidentally triggering property reverters. They will also provide helpful practice pointers about the cell tower leasing and sales process. The program will cover both key aspects of cell leases, and the potential sale by municipalities of such leases, as well as long-term leasing rights. Extensive handouts in PDF format will be provided to participants, which commonly include local government attorneys, city managers and the real estate property managers working for local governments. A lively and interactive Question and Answer session will follow the presentation.

****This webinar is 90 minutes ****

Speakers:

John W. Pestle
Jonathan Kramer

April 6 –Contracts – C1

Construction Contracts for the Municipal Lawyer

This webinar will focus on the basics of construction contracts. Topics will include a discussion of the common document forms used in the construction industry, the purposes for which those forms are best suited and a discussion of "must have" clauses in construction contracts.

Speaker:

David Doughman

April 11 – Land Use – L4

Managing the Millennials

Are Millennials Really the "Go-Nowhere" Generation?

Speakers:

Noreen C. McDonald

Dwight Merriam

Dan Mandelker

April 25 – Police – PO4

Municipal Jails: The De Facto Mental Health Facilities

Across the nation, persons with mental illness and co-occurring substance abuse repeatedly circulate through the criminal justice system causing significant challenges for municipalities. This webinar will examine the challenges municipalities face regarding these issues from the police officer arresting the mentally ill suspect through that person's trial and detention and provide insight into possible solutions municipalities may wish to implement to combat these problems. The presenters will discuss alternatives to traditional criminal court for these individuals, including behavioral court and the need to allow for competency screenings on the municipal level.

Speaker:

Martha Means

Bruce Eddy

May 4 – Police – PO5

Topic TBA

Speaker:

Jack Ryan

May 6 — Legislation – LE1

Dangerous Dogs, Reckless Owners & Community Cats – Innovative Approaches to Animal Ordinances

A fundamental goal is a safe and humane community. Everyone benefits from a safe society -both people and pets. Our communities deserve comprehensive dangerous dog laws that demand responsible ownership. Learn about new and innovative ordinances that target reckless owners and humanely reduce the community cat population.

Speaker:

Ledy Vankavage

Lee Greenwood

Richard Angelo

May 9 – Land Use – L5

The Cannabis Conundrum

Speakers:

Beat Steiner

Tom Ragonetti

Dwight Merriam

Dan Mandelker

May 16 – Telecommunications – TC2

Cell Tower Zoning: Operating within the Federal Law, FCC Regulations, and Court Decisions

As federal law and FCC regulations carve more deeply into local government zoning authority, and federal courts hand down decisions interpreting those law and regulations, cell tower zoning

and regulation by state and local governments has materially changed. The new FCC Wireless Siting/6409(a) rules; the FCC Shot Clock; new-builds of macros, small cell, and DAS sites creates new challenges for local governments to balance the federal rules with preservation of local land use controls. Governments around the country are in the process of altering their local processes to comply with the new legal reality. This 90-minute webinar, presented by two national experts, will provide a summary and overview of the Federal law of cell tower zoning, including: (1) Key court cases, principles and practical advice from the two decades since Congress passed the 1996 cell tower zoning amendments; (2) the 2012 Federal statute (Section 6409(a)) as recently interpreted by the FCC; (3) the current FCC Notice of Proposed Rulemaking on radio frequency emissions safety standards; and (4) dealing with the wireless industry under the new rules. This live webinar, taught by John Pestle, Esq. and Jonathan Kramer, Esq. (highly experienced local government telecommunications attorneys) includes two narrated PowerPoint presentations, an 85+ page paper summarizing many of the relevant cases and proceedings, and substantial practical guidance for municipal attorneys dealing with wireless tower siting ordinances and planning matters. A lively and interactive Question and Answer session will follow the presentation.

****This Webinar is 90 minutes****

Speakers:

John W. Pestle
Jonathan Kramer

May 18 – Personnel– 4

Topic TBA

Speakers:

Dan Crean

June 1 – Ethics – E2

The City and the Cop: Representing Both Without Harming Either

Civil rights lawsuits often include allegations both against a police officers and the City for which the officer works. An attorney assigned to represent both the officer and the City needs to be mindful of the potential for conflicts. “The City and the Cop: Representing Both Without Harming Either” will outline the important rules of professional conduct, where one client’s interest may be adverse to another’s, and what exceptions allow an attorney to represent both parties without facing the risk of disqualification, including a discussion of Model Rule 1.7.

Speaker:

John Wilkerson

June 13 – Land Use – L6

Show Me the Money – Real Estate Financing

Foundations of Real Estate Development Financing: A Guide to Public–Private Partnerships

Speakers:

Arthur C. Nelson

Dwight Merriam

Dan Mandelker

June 15 – Personnel – P5

Selected Issues from the ADA and Reasonable Accommodation World

Popular ADA presenter Jonathan Mook returns to review and analysis selected, timely topics involving ADA and reasonable accommodation. Discussion may include some of these topics:

- ADA limitations on wellness plans;
- Obligations of employers to accommodate support animals for disabled employees;
- Performance and conduct standards and the disabled employee;
- Personality testing: what are the legal limitations?
- Fitness for duty examinations: staying within the legal requirements.

Speaker:

Jonathan Mook

Dan Crean

June 20 – First Amendment – FA10

***Reed v. Town of Gilbert* – One Year Later:**

The US Supreme Court shook up First Amendment jurisprudence with this sign regulation decision on June 18, 2015. The ripples from *Reed* have touched a wide range of federal, state and local regulations of speech. This webinar will take stock of the impact of *Reed* on its one-year anniversary, and share lessons learned from the cases that have interpreted and applied *Reed* to local government regulations of speech.

Speakers:

Susan L. Trevarthen

June 23 – New Government Lawyer Series – NGLS2

Dillon’s Rule v. Home Rule

Speaker:

Charles W. Thompson, Jr.

July 11 – Land Use – L7

Short-Term Rentals: Are They Giving You Sleepless Nights?

Speakers:

Dwight Merriam

Dan Mandelker

TBA

July 20 – Personnel– P6

Topic TBA

Speakers:

Dan Crean

TBA

July 28 – Telecom – TC3

“First Net”

Speakers:

Barry Fraser, General Manager, BayRICS Authority

Michael Watza

Joseph Van Eaton

August 2 - Municipal Finance

SELLING OR LEASING MUNICIPAL ASSETS: HOW IT CAN BENEFIT A MUNICIPALITY AND ITS CITIZENS

More and more municipalities are facing balance sheet problems caused by underfunded pension liabilities and too much outstanding debt. On top of that, many municipalities are having trouble funding needed ongoing capital expenditures on the water, sewer and other systems they own. A sale or long-term lease of such systems can generate money to address these unfunded liabilities. The presenters will review how such asset transactions are accomplished through a process that encourages the highest bids.

Speakers:

Benjamin A. Haverstick

David Unkovic

August 8 – Land Use – L8

Inclusionary Zoning

Speakers:

Dwight Merriam

Dan Mandelker

TBA

August 17 – Personnel– P7

Riding the Judicial Merry-Go-Round in 2016

This perennial IMLA webinar reviews and analyzes the 2015 and 2016 Employment Law Decisions from the United States Supreme Court and selected federal court along with selected decisions from state courts.

Speakers:

Dan Crean

TBA

August 23 – New Government Lawyer Series – NGLS3

Immunity

Speaker:

Chuck Thompson

September 1 – Telecommunications – TC3

Selling Your Local Government Cell Tower Lease: Monetize or Mistake

Once your local government leases its property or a structure for a cell tower, you will routinely receive offers to buy the cell tower lease for a lump sum payment (often plus a percentage of future revenues), coupled with a long term (or perpetual) easement. The most common question is whether these are good deals for governments. This program, taught by John Pestle, Esq. and Jonathan Kramer, Esq., both highly experienced local government telecommunications attorneys, covers (1) how to determine whether a sale of a cell lease and future leasing rights is in a municipality's best interest, (2) descriptions of the non-binding bid process which will commonly lead to the best price and terms, and (3) the significant legal and business issues and potential pitfalls involved in selling the lease and the traps hidden in the lengthy "Communications Easement" you will be asked to execute. This program will help you spot the major issues in the very one-sided documents typically offered by buyers. Key points to be addressed include (a) making sure the municipality is not hindered in using its property for its primary public use; (b) ensuring that future sums and duties promised by the purchaser in fact are performed; (c) unique insurance and bankruptcy issues; (d) special questions of municipal authority; (e) compliance with bond obligations and IRS tax-exempt bond regulations; (f) municipal finance/procurement statutes; and (g) prohibitions on waste. Extensive handouts in PDF format will be provided to participants, which commonly include local government attorneys, city managers and the real estate property managers working for local governments. A lively and interactive Question and Answer session will follow the presentation.

****This Webinar is 90 minutes****

Speakers:

John W. Pestle
Jonathan Kramer

September 12 – Land Use – L9

Taking the Disaster Out of Disaster Recovery

Planning for Post-Disaster Recovery

Speakers:

James C. Schwab, FAICP
Dwight Merriam
Dan Mandelker

September 15 – First Amendment – FA__

Topic TBA: Government Speech

Speaker:

Frayda Bluestein

October – Land Use

Regulating Formula Retail and Appearance Codes

Speakers:

Dwight Merriam

Dan Mandelker

October 17 - Municipal Finance - F10

Municipal Bonds/Insurance

Speakers:

Christopher Petrini

Chris Brown

November 14 – Land Use – L10

Welcome to Moo U. -- Agricultural Land Use

Our speaker, a professor of planning at Kansas State, is widely acknowledged as one of the nation's preeminent authorities on farmland preservation. If you care about feeding this and future generations, you will want to join us for this eye-opening discussion of how you can preserve that production base through regulation.

Speakers:

John Keller

Dwight Merriam

Dan Mandelker

December 12 – Land Use – L11

Parliamentary Procedure – Take the Mystery Out of Running Your Meetings

Speakers:

Dwight Merriam
Dan Mandelker
