

What's New at IMLA

By Chuck Thompson, IMLA Executive Director and General Counsel



Due to magazine publication schedules, this message may seem a bit dated when it gets to you. If truth be told, I am writing this shortly after the IMLA Mid-Year Seminar, and it is about that Seminar and our other programs that I'd like to write about.

Our Board of Directors meets twice a year, at the Seminar and at the Annual Conference. Last year, the Board considered, and presented to the membership, several changes in our bylaws. These were approved in Miami at our Conference's business meeting. These changes require that we appoint and announce, around May 1st, a Nominating Committee of five people. Hopefully, with this change, we will see more of our members interested in putting forward their names for membership on the Board, and becoming involved in the stewardship of IMLA. Unfortunately, membership on the Board comes with a few perks but a lot of responsibility. IMLA does not pay the expenses of its Board members to attend its meetings; in fact, it asks that the Board member come a day early to attend the Board meeting. More significantly, Board members are often tasked with responsibilities involving various committee functions involving the organization. Despite this disclaimer, serving our organization is quite rewarding—it can help make IMLA stronger and a more valuable resource to local government attorneys. I encourage you to consider serving.

At its meeting this year, the Board approved an amended budget that takes into consideration the effects the economy is having on our revenues. As most of you know, we have reacted to the continuing economic pressure on local government budgets by cutting costs, reducing staff, and finding ways to improve productivity while holding the line on or reducing salaries. Attendance at our Annual Conference in Miami was down compared with prior years, and attendance at our Seminar this year, while stable as compared with last year, was still off substantially from prior years. The downturn in attendance creates a number of difficult financial problems for an organization like IMLA. To plan for and hold an event, IMLA must identify and contract with hotels several *years* in advance. Those contracts require IMLA to guarantee the number of rooms that the hotel will sell for the Conference or Seminar —so if attendance drops, IMLA can be charged penalties that are often quite steep.

Just as importantly, with declining membership revenue, IMLA must rely more and more upon its program revenue to maintain services to members. In a perfect world, IMLA's membership revenue could support most of its services and programs, and registration fees could be reduced dramatically to make membership even more valuable. While this is not a perfect world, IMLA has been able to keep its eye on competing CLE programming and is very competitive with private providers, both as to price and quality. In fact, we recently offered a program very similar to one offered by another provider (with the same speaker and subject matter) for over $100 less than the private provider. Even non-IMLA members paid less than if they had registered for the competitor's programming (they just didn't get as good a deal as if they had been members!).

Responding to our auditors, the Board has enacted a number of policies governing IMLA's operations, including the establishment of an audit committee, and a document retention and destruction policy. Those of you involved with other non-profits know that there are increasing responsibilities placed on such entities to implement policies designed to protect the organization from ethical lapses and financial abuse. One can hardly quarrel with the wisdom of those policies, but they come at a cost: for example, IMLA's costs for conducting an audit and filing its annual Form 990 have increased dramatically over the past three years. As we move forward, IMLA intends to put more of its financial information on the web, but, for now, if you want a copy of the budget, the Form 990, or our last annual audit, simply contact me and I will get you a copy.

Speaking of finances, I am happy to report that, despite the economic downturn and the great stress it has had on IMLA, our budget-cutting measures have continued to put us in a reasonably strong position. We are projecting a slight positive balance for this fiscal year (ending June 30), but must continue to reduce the negative asset balance that we have labored under for many years. A lot depends on our attendance at the Annual Conference in New Orleans, so we are working on a terrific program. We're looking at a dynamite mobile land use workshop (a.k.a. the land use tour),

plus something we haven't tried before: a volunteer project tied into the New Orleans "voluntourism" effort.

Perhaps the tornados in Mississippi at the end of April had you thinking about how a natural disaster might affect your community. At the Seminar, we heard about the imaginative effort to rebuild Greenburg, Kansas after a tornado destroyed virtually every building in the town. Like Greenburg, Clarksville, Tennessee lost most, if not all, of its records when a tornado roared through that community a few years ago. Returning to New Orleans for our Annual Conference focuses attention on how municipalities can overcome the loss of community resources and their loss of valuable data following a natural disaster. Learning from these communities about the losses they suffered, and how they overcame those catastrophes to rebuild and to operate their governments, can inform us about both avoidance and recovery.

In other Conference topics, we'll address e-discovery, one of the more important issues for local government attorneys. It's not just e-discovery; it's the issue of "litigation holds" — when they are required, how best to implement them and what must be covered. The horror stories about attorneys (including local government attorneys) being sanctioned for violations of litigation-hold requirements militate that we all know and understand these rules. For example, in a recent post on our e-discovery workgroup listserv, Pete Haskell from Dallas reported on an ongoing problem one city faced when its leased copiers were sold, and the new owner found stored documents on one copier's hard drive. It is probably fair to say that few people realize that, when they copy their tax returns on the company copier, the hard drive can store and hold their information, only to be harvested by someone later.

Last year, IMLA began offering teleconferences to provide low-cost, informative programs in a format that reduces the costs for our members. These have been so successful that we will likely continue to offer them even after travel budgets are back. We are excited about our programming this past year and the attendee evaluations reflect well on their quality. Most of the evaluations have been in the above average to excellent categories and, as a percentage, roughly 90% of the evaluations for all of our programs achieve this level. Even with grade inflation, that's a pretty good average! To make sure we are hitting the right topics, let us know what you'd like to see addressed and we'll see what we can do.

Last year, we also saw an increase in the number of our working groups and in their activity. Code Enforcement continues to be our most active group, with monthly conference calls and some really interesting programming. By the time you read this, we will have launched our monthly "Ethics Cracker Barrel" discussion. This call will allow members who have questions about ethics issues to talk about them with other members to try to find a resolution. Time will tell how effective this new service will be, but we all face ethics questions, and having a forum where we can talk about them ought to be a great new service.

Finally, if each of you reading this column can help us get a new member, IMLA can reduce our already low charges for programming to our members. I recognize this economy makes it difficult for local governments to add to their costs, but IMLA provides some great tangible member services (like our working groups and listservs), along with less tangible services, like our legal advocacy program, that protect local governments' authority to act on behalf of residents. ML

Coming in the Next Issue!

Coming in the July/August 2010 *Municipal Lawyer*!
Quasi-Judicial Public Hearings – What Process is Due?; The Fallout from *Ricci* – Promotional Exams and Testing; The Texas Open Meetings Litigation; and the Evolution of the Municipal Licensing Regime in Ontario.

Interested in Writing for or Advertising in IMLA's *Municipal Lawyer* Magazine? **Our readers include local government attorneys, attorneys in private practice who represent local governments, city and county professional staff, organizations with interests or ties to local governments, providers of services to and for local governments, library patrons, and others.**

To Write for the Magazine **Submissions are welcomed and encouraged. If you are interested in writing, please contact the Editor, Sophia Stadnyk, at sstadnyk@imla.org with a short paragraph describing your topic, and including your contact information. Our magazine publishes bi-monthly, and feature articles are required to be between 2,800 and 3,300 words long, in total. Each article submitted is subject to review by IMLA staff, and IMLA reserves the right to edit all articles (for style, clarity, length, etc.). Articles cannot be used for commercial solicitations or to sell products or services. Submitting a proposal does not guarantee the opportunity to write for the magazine.**

To Advertise in the *Municipal Lawyer* **Advertising space within the Municipal Lawyer is available.**

Questions? **Please e-mail IMLA at info@imla.org or call IMLA at (202) 466-5424, ext. 7108.**

