MEMBERSHIP

A major concern over the last several years has been the critical need to increase our membership. This year, despite the unfavorable economic climate, we continued membership recruitment and retention efforts:

"IMLA Lite" continued as one of our major initiatives to address membership. This program, approved by the IMLA Board in 2007, allows us to reach out to and serve a vast number of communities that have been previously under-served. Participating states in the "IMLA Lite" program to date include 12 states: Alabama, Arkansas, Georgia, Iowa, Kansas, Missouri, New Jersey, New Mexico, North Dakota, Tennessee, Texas, and Wisconsin.We are extremely pleased at the very favorable responses we are receiving from these participating states and are looking forward to adding more in the coming fiscal year. Our membership now is over 3,407 municipalities across the U.S. and Canada.



Another program that contributed to our growth has been the "**Top 50 Summit.**" This annual meeting, which is geared towards the large counties and cities in the U.S. and Canada, was held for the third consecutive year, and took place in Toronto, Ontario.

Working Groups are another program that we've promoted extensively this year. The list serve groups, divided by subject area, are currently open to non-members to join and participate fully in. However, it is planned that in the future, non-members will need to become IMLA members to continue participating.

Overall, our membership retention rate for the past year was 94%. IMLA must maintain a strong membership base, and our programs all require sufficient resources to keep them effective. For that reason, I am asking you to help us attract and retain members.

There are also a couple of proposals that attempt to conform the bylaws to current practice. We are hopeful that these changes can strengthen the IMLA and carry us into the future.

FINANCIAL

Throughout 2008 and into 2009, local governments continued to struggle with the impact of a depressed economy. These financial constraints affect our members (local government budgets cuts, drastically reduced training or CLE allocations, and travel restrictions) and, in turn, affect IMLA.

To ameliorate the negative effects of the economy, IMLA has reacted like most of our members: we have reduced payroll, cut costs, and increased productivity. In doing so, we were able to end this year with another annual, positive net asset balance as we continue to reduce the lingering negative net asset balance that IMLA has carried for several years. Recognizing the toll the economy has taken on our members, we sought to find ways to deliver services in a more cost-effective method. Like many of our members, we faced a daily barrage of emails touting audio-conferences on virtually every subject under the sun. We reacted by finding a way to offer similar programming, but targeted at our members' interests and at a much lower cost. We will continue to offer these alternative forms of programming beyond the economic crisis, but once travel restrictions are lifted and budgets are restored, we will also resume offering meetings in addition to our annual Conferences where our members can network and gain substantive knowledge on important topical issues.

While our financial situation is relatively healthy, we could reduce our members' costs for all that we do, and further expand services, if we could increase our membership base. For that reason, if each of our members could bring us a new member, we could reduce the costs for membership and programming.

BYLAW AMENDMENTS

A proposal to amend the IMLA bylaws was made by the Board Restructure Committee. These proposals are intended to increase the opportunities for members to become board members, increase the transparency of the process and to allow the Executive Director and opportunity to address issues of regional or demographic diversity by suggesting appointments to the Board or to do so with recruitment in mind. There are also a couple of proposals that attempt to conform the bylaws to current practice. We are hopeful that these changes can strengthen IMLA and carry us into the future. The recommendations are, in brief:

Number of Board Members: IMLA Board membership will increase to up to 25 members. Currently six members of the 21-member Board are Officers (President, First Vice President, Second Vice President, Third Vice President, Treasurer, and Executive Director).

Term Limits: The term of office for Board members will be three years. The member is eligible to serve for an additional three-year term, for a total of six years, and afterwards, must sit out at least

one year before beinΩg eligible for a Board position again.

Staggered Terms: Board positions shall be staggered with approximately four positions open each year. The President, Vice President, Past President, Treasurer, and Executive Director are not included in the staggered terms rotation. Therefore, each year, a minimum of four Board positions will be open. Officers will be selected from the pool of individuals who have previously served at least two years on the IMLA Board. We will no longer have the automatic "moving up" of Board members to officer positions.

Officers: There will be a President, Vice President, Treasurer, and Executive Director. We are eliminating the remaining two Vice President positions.

The Nomination Committee: This is increased from three to five people, to be selected by the President, Vice President, Immediate Past President, State League Counsel, and the Past, Past President.

State League Board Position: We will continue to have a Board position for our State League Counsels, who will continue to serve for two years, but now, they will be eligible to serve as President.

Notice of Board Positions: Notice will be sent to the membership and will be posted on the IMLA site well in advance of the Annual Conference. The notice will include the members of the Nominating Committee, along with a short application form that we are encouraging members to fill out.



IMLA has continued its efforts into this fiscal year to find ways to enhance membership value, to raise revenues, to make our Conference and Seminar more useful, and to offer additional IMLA programming in various formats.

OTHER NEW INITIATIVES

IMLA has continued its efforts into this fiscal year to find ways to enhance membership value, to raise revenues, to make our Conference and Seminar more useful, and to offer additional IMLA programming in various formats. Many of these ideas were suggested by members, and we continue to ask for your feedback on our activities and services.

IMLA Vision 2020. This Committee was created by the IMLA President to begin the dialogue of what IMLA can do better for our members – to review the services that IMLA offers and discuss ways that these can improve. Committee Co-Chairs are **William J. Kearns** (General Counsel, N.J. State League of Municipalities) and **Susan Moore** (General Counsel, Georgia Municipal League). If IMLA is to stay a viable and necessary association, we need to shape a plan for the future of IMLA and the delivery of services that adapts to the changing times.

Working Groups. These 14 groups, based in specific subject areas, include dedicated listservs and regular conference calls. There is no cost to join. The groups include Employment Law, Code Enforcement, Counties, Construction Law, Young Lawyers, Coastal Communities, Capital Cities, Brownfields, and many others (you can access the specific groups online from the IMLA homepage, www. imla.org). These groups provide great opportunities for our members to network with attorneys in other communities with common interests and common practice areas.

Teleconferences and "Kitchen Sink" Discount. As mentioned, IMLA introduced a new lineup of teleconferences and webinars in 2009, aimed allowing members with restricted or no travel budgets to still obtain affordable, high-quality programming, along with CLE credits for those jurisdictions that permit credits for teleconferences. Based on the suggestion of a member, IMLA offered a significant discount (the "Kitchen Sink") for anyone who purchased the entire lineup of events.

Facebook/Twitter/Blog. IMLA introduced its web blog this year. Other innovations included an IMLA page on the Facebook site and a Twitter feed.

Stand-Alone Programs. We've continued the "stand-alone"or single-subject CLE programs that we introduced in 2008. These are designed as one- or two-day intensive workshops, aimed at providing members with topic-specific educational and networking opportunities.The most successful stand-alone program this year was our second annual one-day seminar focusing exclusively on Canadian municipal law. The event, held in Toronto, Canada, in June was an outstanding program coordinated with a Municipal Law Departments Association of Ontario (MLDAO) event. Our last stand-alone program for 2009 is a program on Voting Rights to be held at the Radisson Hotel in Columbia, S.C. on December 10, 2009.

We strive to cut costs and save time by e-mailing our members with information rather than rely on the post office. E-mailing addresses change – it is essential that you keep us advised about any changes to your contact information so that we can continue to e-mail you with the Newsletters and bi-weekly updates. It's easy to check your own member information: simply log on to *MyIMLA* (top right-hand side of the IMLA website at www. imla.org.

LEGAL ADVOCACY

One of our services that merits more comprehensive discussion is legal advocacy on behalf of local governments and local government entities. IMLA's Legal Advocacy Committee (LAC), chaired by **Sheryl King Benford**, continued IMLA's strong presence in advocating the interests of local governments before various courts. From August 2008 through August 2009, IMLA participated in no less than 20 cases as an *amicus*. The most significant case was the decision in *Pleasant Grove City v. Summum*, 129 S.Ct. 1125 (2009), in which the Supreme Court held that the placement of a permanent monument in a public park was a form of government speech and was, therefore, not subject to scrutiny under the Free Speech Clause. The Court's opinion specifically cited the *amicus* brief submitted by IMLA (authored by **Mary Jean Dolan**). Another case at the Supreme Court level where the LAC approved participation was *Arizona v. Johnson*, 129 S.Ct. 781 (2009), a Fourth Amendment case where the Court ruled that it is reasonable for a police officer to pat-down a passenger during a traffic stop for a minor driving infraction, if the officer had an articulable basis to believe that the passenger might be armed and dangerous. Unfortunately, IMLA did not side with the winning argument in all cases. In the reverse discrimination case, *Ricci v. DeStefano*, 129 S.Ct. 2658 (2009), the Court found that the City of New Haven, Connecticut, violated Title VII of the Civil Rights Act of 1964 when it discarded the results of a firefighter promotional exam when all but one of the top candidates were white.

IMLA will also be participating in the first takings case before the Court in over four years (and the first with Chief Justice John Roberts). The case, *Walton County v. Stop The Beach Renourishment, Inc.*, 998 So.2d 1102 (Fla. 2009), *cert. granted*, 77 U.S.L.W. 3673 (U.S. June 15, 2009) (No. 08-1151), concerns a challenge to a state vesting statute contrary to the common law of accretion, which basically gives the state ownership of the land it creates when it fills seaward of the "erosion control line" which becomes the new property boundary.Still other cases where IMLA participated as an *amicus* in the federal circuits and in state courts included issues such as billboards, RICO, open meetings, attorney's fees, affirmative litigation against bank lenders concerning the foreclosure crisis, bankruptcy, *qui tam* actions under the False Claims Act, and more. Space does not allow a thorough treatment of the details of these cases, so check out our Legal Advocacy Report, available at www.imla.org.

IMLA will consider being an *amicus* in the Supreme Court, the federal circuits, and in the highest courts of each state; in addition, we will participate in litigation below those levels where the issues are of paramount importance to local governments. To maintain our *amicus* program, IMLA needs the support of its members. We need help in identifying important cases early enough that we can consider whether to join. We need help in identifying brief writers – we would like to keep a roster of brief writers and their areas of interest, so when an appropriate case presents itself, we can call on them. If you are interested in helping, contact me at cthompson@imla.org.



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CONCLUSION

Obviously, with the downturn in the economy and the challenges we faced this past year, we are delighted to see that changes we implemented have helped move us in the right direction. Nevertheless, small changes in membership and attendance can help or hurt the organization. For that reason, let me ask each of you to try to get one of your non-member colleagues to join. By increasing regular membership by about four new members in each state, we could reduce the fees for attending our Conference and other programs, or we could reduce membership fees. These are challenging times for all of us, but I can assure you that we are striving to add value to your membership and to make IMLA a stronger organization.

Charles W. Thompson, Jr.
Executive Director,
General Counsel