



# 86<sup>th</sup> Annual Conference

September 29-October 3, 2021 - Minneapolis, MN

In-Person Program **TENATATIVE and Subject to Change**

## Wednesday, September 29, 2021

TIME	LOCATION	TITLE	DESCRIPTION	SPEAKERS
7:30AM to 4:45PM	Prefunction 3rd Floor	Registration & Exhibitors		
8:30AM to 12:00PM	Duluth	BOD Breakfast / Meeting	Board of Directors Only.	
9:00AM to 5:30PM	Grand Ballroom FGE	Minnesota Day	See Program Below.	
8:30AM to 4:45PM	Grand Ballroom C	ILGL Program	See Program Below.	
8:30AM to 3:45PM	Grand Ballroom B	Code Enforcement Program	See Program Below.	
2:00PM to 3:00PM	Grand Ballroom A	Affirmative Litigation – for Local Governments Large and Small	An overview of major municipal affirmative litigation activities, including JUUL/e-cigarettes, pharma billing/antitrust, opioids, climate change, PFAS/PCBs and more. Discussion will cover the municipal causes of action, including a brief review of False Claims Act and qui tam, and the merits of affirmative litigation.	Erich Eiselt <b>Moderator:</b> Megan Hafner
3:00PM to 3:15PM	Prefunction 3rd Floor	Coffee Break		
3:15PM to 4:45PM	Grand Ballroom A	State League Meeting	This meeting will feature a presentation on Supreme Court cases related to law enforcement and will include an update on qualified immunity. The meeting will also provide an opportunity for round table discussion on state legislative trends in the area of law enforcement. This meeting is intended for state league / association counsel.	Lisa Soronen <b>Moderator:</b> Lori Lein & Morgain Patterson
5:00PM to 6:00PM	See registration.	State League/First Time Attendee Reception	See registration table for details.	

## Thursday, September 30, 2021

TIME	LOCATION	TITLE	DESCRIPTION	SPEAKERS
7:30AM to 8:30AM	Symphony	Wake Up With Nate! All Levels Morning Vinyasa Yoga Flow	Join former Duluth Assistant City Attorney, current Senior Lecturer, Legal Studies, UW-Superior, and YTT-200 hour certified yoga instructor Nate LaCoursiere for a one hour all-levels vinyasa flow designed to ground and energize you to start your day. Bring your own yoga mat, block, or any other props you wish. (Some yoga mats will be on hand.)	Nate LaCoursiere
7:45AM to 5:00PM	Prefunction 3rd Floor	Registration & Exhibitors		
7:45AM to 8:45AM	Grand Ballroom D	WONK Breakfast	Advance registration is required. For the WONK breakfast you will sign up for a table based on subject matter and sit down with the subject matter expert to enjoy a meal and discuss areas of interest. You can register for this breakfast online. If you already registered and would like to add the breakfast, please email trina@imla.org.	
8:45AM to 9:00AM	Grand Ballroom ABC	Opening Ceremonies	Join IMLA President and Executive Director for welcoming remarks and helpful tips for new and long-time attendees alike, including information about the Conference and various networking opportunities.	

TIME	LOCATION	TITLE	DESCRIPTION	SPEAKERS
9:00AM to 10:30AM	Grand Ballroom ABC	Land Use Work Session: Update on Takings	This conversation with our expert panel will focus on the Supreme Court's most recent Fifth Amendment takings cases. Our panelists will highlight the legal trends and offer practical tips for legal practitioners working with local planners to avoid regulatory takings and condemnation litigation. The panel will also invite participants to consider a case study discussing practical considerations in municipal takings cases.	John Baker, Amy Kirby & Adrian Gardner <b>Moderator:</b> Arthur Gutekunst
9:00AM to 10:30AM	Grand Ballroom EFG	Responding to Cyber Attacks	Municipalities are increasing targets of ransomware attacks. How should your entity respond? What is the City attorney's role? What can you do to prevent attacks? This session will address these questions and others related to cyber security and how to reduce your risk.	Peter Simonsen, Meredith Ladd & Amanda Conn <b>Moderator:</b> Barbara Adams
10:30AM to 10:45AM	Prefunction 3rd Floor	Coffee Break		
10:45AM to 11:45AM	Grand Ballroom EFG	Lessons Learned from Ferguson: Race, Policing, and Fairness in the Justice System	As a result of incidents in Ferguson, Missouri, Minneapolis, Minnesota, and elsewhere, the nation has been engaged in an important and ongoing dialogue about community-police trust and the fairness of the criminal justice system. Judge Mark Kappelhoff, who participated in the U.S. Justice Department's civil rights investigation of the Ferguson Police Department, will discuss the Ferguson investigation and the how the findings of that investigation provide important insights into issues of race, policing, and the fairness of the criminal justice system. He will also share his thoughts regarding the important role that lawyers can play in ensuring a more equitable justice system.	Judge Mark Kappelhoff  <b>Moderator:</b> Ryan Zipf
10:45AM to 11:45AM	Grand Ballroom ABC	Municipal Construction – Project Planning and Litigation Management	Effective management of projects requires rigorous attention to risk allocation and risk reduction strategies. All construction programs have the same objectives: (1) cost efficiency and avoidance of waste, (2) quality and programmatic content, and (3) timeliness of completion. Often referred to as the "three legs of the stool," these project objectives are in constant competition with each other. Municipal authority projects are no different. The identification of risk, the adoption of risk reduction strategies, and the allocation of risk that is technically not susceptible of elimination will make projects more efficient, improve quality, and result in more timely project delivery. A proactive approach, at the earliest possible point in the project, and notwithstanding the added initial cost, will return substantial benefits. While disputes are not inevitable, they do occur notwithstanding the best efforts of municipal counsel. In response, municipal solicitors must take an aggressive approach in marshaling the facts, securing expert analysis, and managing the municipal response.	William Warren Jr.  <b>Moderator:</b> Beth Anne Childs
11:45AM to 1:30PM	Grand Ballroom D	Full Conference Luncheon/Keynote Address	Minnesota Attorney General Keith Ellison will provide the keynote address. After the keynote, take part in the award ceremony honoring some of IMLA's award winners: Charles S. Rhyne Lifetime Achievement Award, James H. Epps III Award for Longevity of Service to a Community Award, Marvin J. Glink Private Practice Local Government Attorney Award, Bruce A. Noble Distinguished Canadian Municipal Lawyer Award, Outstanding State League Counsel Award New Fellows, Recertifying Fellows	Attorney General Keith Ellison
1:30PM to 2:30PM	Grand Ballroom E	Alternatives to Traditional Prosecution: Community-Based Justice Reform Efforts in Saint Paul, MN	Attorneys and staff from the Saint Paul City Attorney's Office will present and discuss how restorative justice-based diversion programs have helped solve conflict in our community through a victim-centered approach, healed wounds inflicted by our justice system, and successfully provided offenders with support so they do not re-offend. The presentation will include case studies from the Saint Paul City Attorney's Office ETHOS Program, Treatment Courts, our partnership with the Ramsey County (MN) pre-trial services provider in crafting individually tailored Diversion Programs, and other justice reforms.	David Palm, Tazio Lombardo & Tonya Cooper  <b>Moderator:</b> Lori Bluhm
1:30PM to 2:30PM	Grand Ballroom AB	Biometrics and the Potential for Local Government Liability	New privacy laws about biometrics (fingerprints, retinal scan, facial recognition, voice recognition, the way a person walks, their keystrokes) require notification or protection for individuals, but do those laws affect local government? Are there liability issues for local government for use of biometric markers in regard to employment or other claims? This presentation explores those issues and maps out recommendations for best practices in this emerging area.	Cathy Cunningham  <b>Moderator:</b> Jennie Tarr
1:30PM to 2:30PM	Grand Ballroom FG	An Opioid Allocation Agreement in North Carolina: One State's Positive Experience	As a result of national opioid litigation, North Carolina developed an allocation agreement of 85% to local entities and 15% to the state, to date the highest percentage for local governments of any allocation agreement across the country. Presented by Deputy Director and General Counsel of the North Carolina Association of County Commissioners and a 25-year veteran former County Attorney, this presentation will cover the history, scope, and process to achieve such an agreement.	Debra Bechtel & Amy Bason  <b>Moderator:</b> Erich Eiselt

TIME	LOCATION	TITLE	DESCRIPTION	SPEAKERS
2:40PM to 3:40PM	Grand Ballroom FG	Post Pandemic Pet Policies- Embracing Community Supported Animal Sheltering	We all want safe and humane communities for people and pets. Animal sheltering and policies were transformed during the covid crisis. Many of these innovative policies led to increased community engagement and lifesaving, while decreasing the cost of operating animal shelters. This interactive session will focus on how your city can implement new ordinances and policies designed to keep animals with their families. We will discuss pet inclusive housing ordinances, community cats and many of the other topics found in the new IMLA/Best Friends publication - People, Pets, and Policies: Towards Community Supported Animal Sheltering.	Ledy Vankavage, Ana Schumacher & Steve Houchin  <b>Moderator:</b> Deanna Shahnam
2:40PM to 3:40PM	Grand Ballroom AB	American Recovery Plan: What Local Government Lawyers Need to Know	As local governing bodies begin to implement plans on how to spend Local Fiscal Recovery Fund monies under the American Rescue Plan Act of 2021, this session will provide updated guidance from the United States Treasury, including guidance on use of proceeds as well as reporting and compliance requirements. The Director of the Government Finance Officers Association's Federal Liaison Center will also discuss highlights of how communities across the country are using the proceeds and some common pitfalls in implementation.	Emily Swenson Brock <b>Moderator:</b> Nina Hickson
2:40PM to 3:40PM	Grand Ballroom C	Lawyer Wellness: Burnout - You are Not Alone	This topic is hot these days, but we have few chances to learn how to battle it. This class is designed to help identify stages of burnout and strategies to cope. Participants will have a chance to practice short meditations in ways that they may not have tried before. We will discuss ethical rules (model US, Canadian and tribal) as well as how we can help our staff and each other in the journey to wellness. We will have a prize and giveaways, too! Come ready to relax as you learn.	Karen Blake & Ginger Wald <b>Moderator:</b> Brad Cunningham
2:40PM to 3:40PM	Marquette 4, 5, 6, 7	Small / Rural Communities Presentation: \$olar \$torms	This session is designed to examine issues surrounding installation, operation, incentives, restrictions, regulations, and the financial considerations connected to the use of solar panels to produce electricity. Included in the session will be an overview of the single user systems, the ability and limits of local government regulations, the role of state and federal governments, and issues around HOA's. The presentation will look at issues from the perspectives of homeowners, utilities, governments, and policy makers. The session will follow the money flow into incentives, disincentives, impacts on public and private utilities, and residential/business power cogeneration impact on tax revenue for local governments	Allen Garner  <b>Moderator:</b> Shauna Billingsley
2:40PM to 3:40PM	Grand Ballroom E	Bias and Prejudgment in the Quasi-Judicial Decision Making Process	This presentation will examine the requirement of impartiality for decision makers in the land use context. It will also cover the best practices to avoid a legal challenge to a purported tainted decision. Finally, when things go wrong, this presentation will discuss the potential remedies and defenses to litigation.	Paul Reuvers <b>Moderator:</b> Patricia Link
3:40PM to 3:55PM	Prefunction 3rd Floor	Coffee Break		
3:55PM to 4:55PM	Marquette 2, 3, 8, 9	Post Pandemic Pet Policies- Embracing Community Supported Animal Sheltering	We all want safe and humane communities for people and pets. Animal sheltering and policies were transformed during the covid crisis. Many of these innovative policies led to increased community engagement and lifesaving, while decreasing the cost of operating animal shelters. This interactive session will focus on how your city can implement new ordinances and policies designed to keep animals with their families. We will discuss pet inclusive housing ordinances, community cats and many of the other topics found in the new IMLA/Best Friends publication - People, Pets, and Policies: Towards Community Supported Animal Sheltering.	Ledy Vankavage, Ana Schumacher & Steve Houchin  <b>Moderator:</b> Deanna Shahnam
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3:55PM to 4:55PM	Grand Ballroom FG	Bias and Prejudgment in the Quasi-Judicial Decision Making Process	This presentation will examine the requirement of impartiality for decision makers in the land use context. It will also cover the best practices to avoid a legal challenge to a purported tainted decision. Finally, when things go wrong, this presentation will discuss the potential remedies and defenses to litigation.	Paul Reuvers <b>Moderator:</b> Patricia Link
5:00PM to 5:45PM	Grand Ballroom C	Nominating Committee		
5:00PM to 5:45PM	Grand Ballroom E	Listserv Meeting		
6:30PM to 8:00PM	Orchestra Hall	Welcome Reception	Kick off the 86th Annual Conference the Welcome Reception taking place at Orchestra Hall. Enjoy light hors d'oeuvres, drinks (provided by drink tickets upon arrival) and networking! A badge is required for entry and the dress is business casual. We hope to see you there!	

## Friday, October 1, 2021

TIME	LOCATION	TITLE	DESCRIPTION	SPEAKERS
7:45AM to 5:00PM	Prefunction 3rd Floor	Registration & Exhibitors		
8:00AM to 9:00AM	Grand Ballroom D	State/Province Breakfast	Advance registration is required. The State/Provincial Breakfast with give attendees an opportunity to sit down with fellow attendees from their area. If you already registered and would like to add the breakfast, please email trina@imla.org	
9:00AM to 10:00AM	Grand Ballroom ABC	Local Government Reparations: Crafting Restorative Policy That Meets Constitutional Muster	State and local governments are significantly restricted in the ways they can implement race conscious, restorative programming. With the conversation regarding reparations for Black Americans gaining increased attention, this discussion will aid state and local governments to design and implement programs that will withstand constitutional muster. In addition, this session will address how to structure a contracting program that increases opportunities for minority contractors to participate in public contracts.	Nicholas Cummings & Jay Arneson <b>Moderator:</b> Mujeeb Shah-Khan
9:00AM to 10:00AM	Grand Ballrom EFG	Former Local Government Attorneys' View from the Bench	Hear from three judges, who were formerly local government attorneys, regarding a discussion of presentation of cases before the bench.	Hon. Merita Hopkins, Hon. Susan Segal & Hon. Sara Grewing <b>Moderator:</b> Sam Clark
10:00AM to 10:15PM	Prefunction 3rd Floor	Coffee Break		
10:15AM to 11:45AM	Grand Ballroom EFG	Hot Topics in First Amendment Law	The first part of this presentation will discuss the issue of residential picketing. Learn how to develop an enforceable ordinance to address this issue as well as the case law upholding it. The second presentation will go over the Supreme Court's decision in <i>Fulton v. City of Philadelphia</i> and discuss the intersection of the Free Exercise Clause and non-discrimination ordinances, as well as the future of <i>Employment Division v. Smith</i> . The last presentation will go over crafting non-discrimination ordinances under <i>Smith</i> and <i>Fulton</i> .	Maren Clouse, Crista Cuccaro & Benjamin Field <b>Moderator:</b> Rosemary Humway-Warmuth
10:15AM to 11:45AM	Grand Ballroom ABC	If You Build It, They Will Come: Best Practices in Public Financing for Economic Development	This presentation will provide an overview of best practices for economic development agreements and the use of public-private partnerships for the construction of sports and entertainment venues and mixed use developments. This session will cover tax increment financing, public improvement districts, bond issuance, tax abatements, and other public financing options for large and small markets.	Benjamin Johnson & DeWitt "Mac" McCarley <b>Moderator:</b> Thomas Powers
11:45AM to 1:30PM	Grand Ballroom D	All Conference Lunch / Awards Ceremony	IMLA will be announcing the award recipients of: Burk E. (Buck) Delventhal Legal Advocacy Award, Diversity, Equity and Inclusion Award, Daniel J. Curtin Young Public Lawyer Award, Brown, Mulligan, Rocha Distinguished Public Service Award, William I. Thornton, Jr. IMLA Faculty Award, Brad D. Bailey Assistant City/County Attorney Award, Outstanding Associate Member Award, Outstanding State/Provincial Chair Award	

TIME	LOCATION	TITLE	DESCRIPTION	SPEAKERS
1:30PM to 2:30PM	Grand Ballroom AB	Employment Law Section Meeting: Managing Unionized Workforces After 2020	This presentation will discuss the following issues related to unionized workforces: 1) COVID/ ADA/FMLA – special considerations in a unionized environment (Ex. mandating vaccine or not); 2) budget crisis – interest arbitration; 3) heightened scrutiny of public employees after the racial justice protests as well as the events of January 6th; 4) social media – First Amendment; 5) Employee Resource Groups – concerted activity? (usurping role of unions?)	Trina Chernos  <b>Moderator:</b> Robin Cross
1:30PM to 2:30PM	Grandballroom FG	Litigation Section Meeting: Representing Law Enforcement Officers in Section 1983 Jury Trials Post George Floyd	Hear first-hand accounts from two attorneys regarding their experience representing law enforcement officers in section 1983 jury trials in the aftermath of the death of George Floyd: one of which had no race-based allegations or use of force, but occurred two weeks to the day after Mr. Floyd's death, and the second of which had race discrimination and use of force claims. There will be an emphasis placed on the importance of voir dire during jury selection as well as motion in limine practice.	Amanda LaFever & Jenna Adams  <b>Moderator:</b> Cynthia Withers
1:30PM to 2:30PM	Grand Ballroom C	County Department Meeting: Liability Arising from Child Welfare Matters	Lawsuits involving Child Welfare issues are multi-faceted and challenging to defend. This presentation will introduce the topic, covering the applicable law using real world examples. The presentation will also provide potential defense strategies and typical pitfalls presented by these cases	Jeb Brown & Kelly Moran  <b>Moderator:</b> Gregory Priamos
2:40PM to 3:40PM	Grand Ballroom AB	Land Use Section Meeting	This presentation will discuss the rise and fall of Met Council Policy 13/39 (1971-85), the nation's most effective fair housing measure. In 1971, in response to a challenge by HUD Secretary George Romney, the Met Council of the Twin Cities carried out the most visionary fair share housing plan ever implemented in the United States. It fell apart due to politics and housing developers figured out how to make building housing in poor neighborhoods immensely profitable.	Myron Orfield  <b>Moderator:</b> Julian Grant
2:40PM to 3:40PM	Grand Ballroom FG	Hot Topics in Wrongful Conviction Litigation and Novel Defense Strategies	This presentation will go over strategizes and approaches for defending fabricated claims of wrongful conviction based on witness coercion, questionable documents, and superficial conviction integrity reviews. The presentation will provide ideas for winning high exposure wrongful conviction cases.	Avi Kamionski & Shneur Z. Nathan <b>Moderator:</b> Leah Simon
2:40PM to 3:40PM	Grand Ballroom C	Be A Good Friend -- A Guide To Amicus Briefs In Trial and Appellate Courts	In both federal and state lawsuits, amicus briefs supporting a municipality can help garner victory for the public entity and help shape favorable precedent for other cases. Amicus support can also help municipalities obtain discretionary review in the U.S Supreme Court or in state supreme courts. But courts will ignore amicus briefs that fail to add value. If you work for or represent a municipality, you need to know when, how, and from whom to obtain amicus support for your own cases and how to prepare an effective amicus brief in other cases.	Ted Xanders & Nadia Sarkis  <b>Moderator:</b> Stephen Nick
2:40PM to 3:40PM	Marquette 2, 3, 8, 9	Telecom Section Meeting: Cable Law & Policy	The first part of this presentation will discuss the impact of "over the top" video service on cable franchise fees and other right-of-way compensation. This presentation will provide information about what cities can expect and how cities can prepare for the changing cable/video industry and its impact on local revenue. The second part of this presentation will discuss the Netflix / streaming service providers' franchise fee litigation."	Brian Grogan  <b>Moderator:</b> Kyle Hartnett
2:40PM to 3:40PM	Grand Ballroom E	Affirmative Litigation	This presentation will go over the current trends in affirmative litigation and discuss what subject areas are gaining momentum. The presentation will also discuss how can in house law departments and their law firm partners work together on creative and innovative approaches to pursue worthy litigation.	Grant Farrar & John Gilmour <b>Moderator:</b> Erich Eiselt
3:40PM to 3:55PM	Prefunction 3rd Floor	Coffee Break		
3:55PM to 4:55PM	Grand Ballroom AB	Be A Good Friend -- A Guide To Amicus Briefs In Trial and Appellate Courts	In both federal and state lawsuits, amicus briefs supporting a municipality can help garner victory for the public entity and help shape favorable precedent for other cases. Amicus support can also help municipalities obtain discretionary review in the U.S Supreme Court or in state supreme courts. But courts will ignore amicus briefs that fail to add value. If you work for or represent a municipality, you need to know when, how, and from whom to obtain amicus support for your own cases and how to prepare an effective amicus brief in other cases.	Ted Xanders & Nadia Sarkis  <b>Moderator:</b> Stephen Kemp
3:55PM to 4:55PM	Grand Ballroom C	Hot Topics in Wrongful Conviction Litigation and Novel Defense Strategies	This presentation will go over strategizes and approaches for defending fabricated claims of wrongful conviction based on witness coercion, questionable documents, and superficial conviction integrity reviews. The presentation will provide ideas for winning high exposure wrongful conviction cases.	Avi Kamionski & Shneur Z. Nathan <b>Moderator:</b> Thomas Powers

TIME	LOCATION	TITLE	DESCRIPTION	SPEAKERS
3:55PM to 4:55PM	Grand Ballroom E	Environmental Law Section Meeting	This presentation will discuss developments in environmental laws, including: the lead and copper rule, climate change, and environmental justice.	Gene Tanaka & Rebecca Andrews
3:55PM to 4:55PM	Grand Ballroom FG	Affirmative Litigation	This presentation will go over the current trends in affirmative litigation and discuss what subject areas are gaining momentum. The presentation will also discuss how can in house law departments and their law firm partners work together on creative and innovative approaches to pursue worthy litigation.	Grant Farrar & John Gilmour <b>Moderator:</b> Erich Eiselt
5:00PM to 6:00PM	Duluth	“Yappy Hour”	Enjoy happy hour sponsored by Best Friends Animal Society	
5:30PM to 8:00PM	Neiman Park	Softball	The annual softball game will be held on Friday, October 1st at Neiman Park. A bus will pick up the participants at the Hilton Minneapolis at 5:30PM and transport them to Neiman Park.	

## Saturday, October 2, 2021

TIME	LOCATION	TITLE	DESCRIPTION	SPEAKERS
8:00AM to 12:15PM	Prefunction 3rd Floor	Registration & Exhibitors		
7:30AM to 8:30AM	Board Room 2	Past President’s Breakfast	Invitation Only.	Board Room 2
7:55AM to 8:55AM	Grand Ballroom EFG	International Committee: COVID-19 Mandates: An International Perspective	This fast-paced program will highlight the most recent decisions by the highest courts of the USA and Europe regarding compulsory vaccinations. The cases range from Justice Amy Coney Barrett’s August 12 denial of injunctive relief to Indiana University students who had been mandated by their university to get the COVID-19 vaccine or leave school, to a Czech Republic parent and school children subjected to fines and denial of access to schools for refusing to get vaccinated, a difficult case in which the European Court of Human Rights on April 8 invoked the European body of fundamental rights. Listen and learn about the rationale invoked by the U.S. courts in balancing students’ significant liberty to refuse unwanted medical treatment while upholding a university’s discretion to act reasonably in protecting the public’s health, and note how similar the legal analysis is becoming as the courts, domestic and international, grapple with this issue.	Ben Griffith & Sven Kohlmeier  <b>Moderator:</b> Tyler Wallach
9:00AM to 10:30AM	Grand Ballroom ABC	Telecommunications Update: Answering the Call	In this session, attendees will receive an update on Federal legislative, regulatory and litigation efforts to restore local government authority and property rights in the broadband space. Additionally, we will offer insights into how your community might tap into federal funds to reduce the digital divide in your community.	Andre Monette, Cheryl Leanza & Arthur Gutekunst <b>Moderator:</b> Christopher Balch
9:00AM to 10:30AM	Grand Ballroom EFG	Employment Law: Navigating the New Hybrid Workforce	Hear from a panel of local government attorneys about the legal and practical issues associated with a hybrid workforce during this interactive presentation.	Rachel Tierney, Fallon Niedrist & Kimberly Rehberg <b>Moderator:</b> Deidra Sullivan
10:30AM to 10:45AM	Prefunction 3rd Floor	Coffee Break		
10:45AM to 12:15PM	Grand Ballroom EFG	Police Reform	Three local government attorneys will offer their localities’ perspectives on police reform during this moderator-led interactive panel.	Patrick Baker, Esteban Aguilar Jr. & Diana Cortes <b>Moderator:</b> Zachary Klein
10:45AM to 12:15PM	Grand Ballroom ABC	The Infrastructure Trifecta: Integrating the Owner, Designer and Municipal Counsel for Precision Project Delivery	The key to project success is an integrated team of the public owner, its design professionals and the legal team that structures the procurement (bid or RFP) and contract documents. Hear from the professionals on the role of each, effective approaches to managing outside counsel and design professionals, project delivery selection; what form of agreement works best for your project; sharing risk and addressing uncontrollable circumstances, change orders; project acceptance and commissioning. Find out how to avoid finger pointing and instead effectively to use both hands to lift the project toward smooth administration and successful completion.	Steven Torres & Jeffrey Dana  <b>Moderator:</b> Lina James
2:00PM to 5:30PM		Land Use Tours		

# Sunday, October 3, 2021

TIME	LOCATION	TITLE	DESCRIPTION	SPEAKERS
7:30AM to 12:15PM	Prefunction 3rd Floor	Registration & Exhibitors		
8:00AM to 8:30AM	Grand Ballroom D-G	Business Meeting	Annual Business Meeting of IMLA members, election of officers, report on the state of IMLA and other business coming before the membership.	
8:15AM to 8:45AM	Prefunction 3rd Floor	Coffee Break		
8:45AM to 9:45AM	Grand Ballroom D-G	Difficult Conversations: Talking About Racism and Bias at Work	This engaging presentation discusses how bias and racism can affect a government's work including policing, code enforcement, and our day-to-day office environment. Participants will learn how bias works, identify strategies for engaging in difficult conversations about bias and racism, and learn how to interrupt bias and make our workplaces more consciously inclusive. Participants will walk away with a tool kit to be change agents.	Sybil Dunlop <b>Moderator:</b> Patrick Baker
9:45AM to 10:00AM		Coffee Break		
10:00AM to 11:00AM	Grand Ballroom D-G	Legal Writing	Get valuable tips on writing -- everything from an email to an appellate brief. Much of daily communication is the written word, and this seminar will teach you everything you need to know to make your communication clear and powerful.	Blithe Bock <b>Moderator:</b> Wynetta Massey
11:05AM to 12:05PM	Grand Ballroom D-G	Ethics	This presentation will discuss why lawyers represent police officers in civil rights actions; how decisions are made to represent, including relevant ethical considerations; what is the value of defending officers in such lawsuits; and what the personal and professional challenges are. This session will go over several ethical rules including Rule 1.2 – Scope of Representation and Allocation of Authority Between Client and Lawyer; Rule 1.6 – Confidentiality of Information; Rule 1.7 – Conflict of Interest: Current Clients; Rule 1.13 – Organization as a Client; Rule 1.16 – Declining or Terminating Representation; and Rule 1.18 – Duties to Prospective Clients.	Patricia Miller <b>Moderator:</b> Wynetta Massey

**ILGL Program**  
**Institute For Local Government Lawyers**  
**Wednesday, September 29, 2021**  
**Grand Ballroom C**

**Wednesday, September 29, 2021**

TIME	TRACK	TITLE	DESCRIPTION	SPEAKERS
7:00AM to 8:00AM	ILGL	Faculty Breakfast	Board Room 2	
7:30AM to 8:15AM	ILGL	Registration Opens		
8:15AM to 8:30AM	ILGL	Opening Remarks		Eric Shytle
8:30AM to 9:30AM	ILGL	Personnel and Employment Law	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. This presentation provides some road maps and guideposts to help navigate through the maze of federal and state statutory employment requirements along with discussion of some common issues that arise in public sector employment.	Deidra N. Sullivan
9:40AM to 10:40AM	ILGL	Land Use Law 101	For those new to land use law, this is a primer on the up to date basics you need to know to spot issues and to determine the appropriate course of action. For the experienced practitioner, this presentation not only serves as a refresher course, but also includes new points of law that have developed in recent years, which impact the basics.	John Baker
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
11:40AM to 11:45AM	ILGL	Morning Program Evaluations		
11:45AM to 12:45PM		Lunch Break		
12:45PM to 1:30PM	ILGL	Caught in The Middle: Ethics and Government Practice	Whether you are an in-house attorney or outside counsel, you are no doubt aware that local government practice presents unique ethical issues that often arise unexpectedly. The local government client is comprised of innumerable constituent representatives that have varying levels of sophistication and understanding when it comes to the roles and responsibilities of the local government attorney. In addition, elected officials often have different ideas of ethical requirements than do administrative officials or (gasp!) local government attorneys. This presentation will describe a series of ethical challenges that resulted in the promulgation of Legal Ethics Guidelines as a means to educate the client on what we do, how we do, and why we do.	Wynetta Massey

TIME	TRACK	TITLE	DESCRIPTION	SPEAKERS
1:40PM to 2:40PM	ILGL	Parliamentary Procedure	Municipal and county governing boards are often populated with dedicated public servants who have little experience or knowledge of parliamentary procedure. Consequently, they may conduct their meetings informally, applying procedural rules loosely and perhaps even inconsistently. This relaxed 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.	Randall Van Vleck
2:40PM to 2:55PM		Coffee Break		
2:55PM to 3:40PM	ILGL	Ordinance Drafting 101	It is an (almost) everyday issue for municipal attorneys: we initially draft ordinances or fix ordinances staff has drafted. While drafting or fixing, we consider constitutional concerns, clarity, grammar rules, and punctuation (the infamous Oxford comma, as used here!). Drafting ordinances also requires anticipating how the ordinances are enforced and how defendants are prosecuted. Finally, we also predict possible court challenges. This session will take a fresh look at these considerations and suggestions in drafting ordinances.	Cathy Cunningham
3:50PM to 4:50PM	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
4:50PM to 5:00PM	ILGL	Afternoon Program Evaluations		

# Code Enforcement Program

## Wednesday, September 29, 2021

### Grand Ballroom B

**Wednesday, September 29, 2021**

TIME	TRACK	TITLE	DESCRIPTION	SPEAKERS
8:30AM to 9:30AM	CODE	Post-Pandemic Nuisance Abatement	As society and municipalities emerge from COVID, numerous new social and financial issues will face law enforcement and code enforcement. Nuisance abatement will be as prevalent of an issue as ever, but the tools and approaches will need to adapt to the changing environment. This presentation will be an overview of the nuisance abatement tools presented with an eye towards effective employment in a post-pandemic society.	Curtis Wright  <b>Moderator:</b> Patricia Link
9:30 AM to 9:45AM		Coffee Break		
9:45AM to 10:45 AM	CODE	Case Law Update	This presentation will provide an update of recent code enforcement cases.	Sherri Russell <b>Moderator:</b> Patricia Link
10:45AM to 11:45 AM	CODE	Update on Regulating Short-Term Rentals and Enforcement of Short-Term Rental Regulations	This presentation will cover recent court decisions, platform regulations, and lessons learned for drafting short-term rental related regulations.	Patricia Link
11:45AM to 1:00PM		Lunch on your own		
1:00PM to 2:30PM	CODE	Weaponization of Code Enforcement	Present day legacy of historic policies and practice: In Minneapolis and its surrounding communities, neighborhoods with a significant number of problem properties correspond areas labeled undesirable by Federal Housing Administration redlining maps and the urban renewal projects of the twentieth century. This presentation examines the legal underpinnings of exclusionary zoning and takings law, the impacts of racial covenants and redlining on communities, and how past policy and practice plays out today in city code enforcement caseloads.	Megan Rogers & Maria Cisneros  <b>Moderator:</b> Patricia Link
2:30PM to 2:45PM		Coffee Break		
2:45PM to 3:45PM	CODE	Defending Regulatory Schemes	Municipalities around the country are enacting new “tenant rights” regulatory schemes, e.g., limitations on tenant-applicant screening, increasing a tenant’s right to renew a lease. These ordinances are being challenged by landlord and property rights advocates on a variety of constitutional bases, e.g., takings, substantive due process, and compelled speech. This presentation will give a litigator’s perspective on these matter and address: the legal framework for the causes of actions, the active role of amici, litigation strategies, and some example ordinances that have been challenged.	Brian Carter <b>Moderator:</b> Patricia Link
3:45PM to 4:55PM	CODE	Code Enforcement Program: Ethical Issues in Code Enforcement: Pro Se Litigants, Administrative Law & Equitable Relief	Our Code governs how we live, work, & move throughout our local environment, touching each inhabitant’s daily experience both visibly and invisibly. Operating within this environment are a variety of actors who bring with them different levels of wealth, knowledge, and sophistication that complicate our ability to obtain Code compliance and broader relief. This presentation will examine the ethical issues that arise when trying to fashion an appropriate remedy where one size does not fit all, and everyone must be treated equally under the law. These issues will be explored against the backdrop of some of the challenges that impact Code Enforcement within the City of Philadelphia today, including a building boom, deep poverty, a large English as a second language community, an affordable housing crisis, structural racism, and aged infrastructure. Model Rule 1.13 Organization as Client, Rule 2.1 Advisor, and Rule 4.3 Dealing with Unrepresented Person will be addressed.	Maggy White  <b>Moderator:</b> Patricia Link

**Minnesota Day Program**  
 Wednesday, September 29, 2021  
 Grand Ballroom FGE

**Wednesday, September 29, 2021**

TIME	TRACK	TITLE	DESCRIPTION	SPEAKERS
9:00AM to 9:20AM	MN Day	Registration and Networking		
9:20AM to 9:30AM	MN Day	Opening Remarks and Announcements		
9:30AM to 12:00PM	MN Day	Tribal Law and Cities	The session on “Tribal Law and Cities” will address intergovernmental relationships between tribal nations and municipalities, and the complex contexts that enable, limit, and shape those relationships. Emphasizing federal Indian policy, tribal-state relations, treaty obligations, and local government engagement, the session will provide participants with both conceptual and practical insight into how tribes and cities relate to one another	Joseph Bauerkemper & Tadd Johnson  <b>Moderator:</b> Tom Jacobson
12:00PM to 1:00PM	MN Day	Lunch & Conversation	Enjoy lunch and explore ways to participate in your city client’s equity work.	Maria Cisneros, & Jared D. Shepherd <b>Moderator:</b> Tom Jacobson
1:00PM to 2:30PM	MN Day	Guns and Cities: Intersection of 1st and 2nd Amendment	This moderated presentation will provide a multi-faceted approach to the many issues that arise when examining the intersection of the First and Second Amendments. Our panel consists of city attorneys from both the criminal prosecution and civil litigation perspectives, as well as a police chief with extensive experience in civil disturbance response. This presentation will answer questions about demonstrator rights, rights to carry firearms even when protesting, and considerations for prosecutors when dealing with crimes involving firearms, civil liability concerns, and potential strategies for judicial intervention. The audience will be invited to submit additional questions for consideration by the panel.	Cliff Berg, Anissa Mediger & Steven Frazer  <b>Moderator:</b> Stephanie Angolkar
2:30PM to 2:45PM	MN Day	Break		
2:45PM to 3:45PM	MN Day	Hot Topics In Minnesota Employment Law	This session will explore hot topics in Minnesota employment law, including police PTSD issues, police misconduct issues (including EEOC/MDHR trends, best practices for investigating claims, and new police arbitration panel), employee handbooks, sexual harassment standards, the post-pandemic workplace, and anything else hot off the press!	Jana Sullivan & Susan M. Tindal  <b>Moderator:</b> Tom Jacobson
3:45PM to 5:15PM	MN Day	Emerging Issues for the Minnesota City Attorney	Explore emerging issues that, as a city attorney, you encounter in your practice, including: changes to the Open Meeting Law, unexpected pandemic consequences, challenges to the common interest doctrine, industry challenges to local tobacco ordinances, and recent civil cases that may have an impact on how cities operate.	Jared D. Shepherd, Pam Whitmore, Susan Naughton & David S. Kendall  <b>Moderator:</b> Tom Jacobson
5:15PM to 5:30PM	MN Day	Closing Comments		
5:30PM	MN Day	Minnesota Day Reception	Avoid traffic and network with your colleagues over appetizers and a cash bar at this reception just for MN Day attendees.	