



86th Annual Conference

September 29-October 3, 2021 - Virtual

Virtual Program

TENATATIVE and Subject to Change

Wednesday, September 29, 2021

TIME (Central)	BROADCAST	TITLE	DESCRIPTION	SPEAKERS
8:30AM to 9:30AM Central Time	Teleconference	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 Central Time	Teleconference	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
10:55AM to 11:40AM Central Time	Teleconference	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
12:45PM to 1:30PM Central Time	Teleconference	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 (Central)	BROADCAST	TITLE	DESCRIPTION	SPEAKERS
1:40PM to 2:40PM Central Time	Teleconference	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
2:55PM to 3:40PM Central Time	Teleconference	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 Central Time	Teleconference	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” McCauley

Thursday, September 30, 2021

TIME (Central)	BROADCAST	TITLE	DESCRIPTION	SPEAKERS
9:00AM to 10:30AM Central Time	Teleconference	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 Moderator: Arthur Gutekunst
9:00AM to 10:30AM Central Time	Video	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 Moderator: Barbara Adams
10:45AM to 11:45AM Central Time	Video	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 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 Moderator: Ryan Zipf

TIME (Central)	BROADCAST	TITLE	DESCRIPTION	SPEAKERS
10:45AM to 11:45AM Central Time	Teleconference	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. Moderator: Beth Anne Childs
1:30PM to 2:30PM Central Time	Teleconference	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 Moderator: Jennie Tarr
1:30PM to 2:30PM Central Time	Video	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 Moderator: Erich Eiselt
2:40PM to 3:40PM Central Time	Video	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 Moderator: Deanna Shahnam
2:40PM to 3:40PM Central Time	Teleconference	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 Moderator: Nina Hickson
3:55PM to 4:55PM Central Time	Teleconference	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 Moderator: Brad Cunningham
3:55PM to 4:55PM Central Time	Video	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 Moderator: Patricia Link

Friday, October 1, 2021

TIME (Central)	BROADCAST	TITLE	DESCRIPTION	SPEAKERS
9:00AM to 10:00AM Central Time	Teleconference	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 Moderator: Mujeeb Shah-Khan
9:00AM to 10:00AM Central Time	Video	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 Moderator: Sam Clark
10:15AM to 11:45AM Central Time	Video	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 Moderator: Rosemary Humway-Warmuth
10:15AM to 11:45AM Central Time	Teleconference	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 Moderator: Thomas Powers
1:30PM to 2:30PM Central Time	Video	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 Moderator: Cynthia Withers
1:30PM to 2:30PM Central Time	Teleconference	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 Moderator: Robin Cross
2:40PM to 3:40PM Central Time	Teleconference	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 Moderator: Julian Grant
2:40PM to 3:40PM Central Time	Video	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 Moderator: Leah Simon
3:55PM to 4:55PM Central Time	Teleconference	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 Moderator: Stephen Kemp
3:55PM to 4:55PM Central Time	Video	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 Moderator: Erich Eiselt

Saturday, October 2, 2021

TIME (Central)	BROADCAST	TITLE	DESCRIPTION	SPEAKERS
7:55AM to 8:55AM Central Time	Video	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 Moderator: Tyler Wallach
9:00AM to 10:30AM Central Time	Teleconference	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 Moderator: Christopher Balch
9:00AM to 10:30AM Central Time	Video	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 Moderator: Deidra Sullivan
10:45AM to 12:15PM Central Time	Video	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 Moderator: Zachary Klein
10:45AM to 12:15PM Central Time	Teleconference	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 Moderator: Lina James

Sunday, October 3, 2021

TIME (Central)	BROADCAST	TITLE	DESCRIPTION	SPEAKERS
8:45AM to 9:45AM Central Time	Video	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 Moderator: Patrick Baker
10:00AM to 11:00AM Central Time	Video	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 Moderator: Wynetta Massey
11:05AM to 12:05PM Central Time	Video	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 Moderator: Wynetta Massey