



87th Annual Conference

October 19 - 23, 2022 - Portland, Oregon

In-Person Program

TENTATIVE and Subject to Change

Wednesday, October 19, 2022

Last updated: 10/14/22

TIME	LOCATION	TITLE	DESCRIPTION	SPEAKERS
7:30AM to 4:45PM	Plaza Foyer	Registration & Exhibitors		
8:30AM to 12:00PM	Skyline	BOD Breakfast / Meeting	Board of Directors only.	
9:00AM to 5:30PM	Grand Ballroom I	Oregon Day	See Program Below.	
8:30AM to 4:45PM	Grand Ballroom II	ILGL Program	See Program Below.	
8:30AM to 3:45PM	Atrium	Code Enforcement Program	See Program Below.	
3:00PM to 3:15PM	Plaza Foyer	Coffee Break		
3:15PM to 4:45PM	Pavillion	State League Meeting	The first presentation will discuss how state league counsel should prepare for and respond their members who experience disasters in their state. The second presentation will discuss loan forgiveness issues for 115 organizations. This meeting is intended for state league / association counsel.	Morgain Patterson, Rusi Patel, Amber Eisenschenk, Karen White & Jayme Hafner
5:00PM to 6:00PM		State League/First Time Attendee Reception	This is a reception for state association / state league attendees as well as first time attendees. For information about the reception, please see registration.	

Thursday, October 20, 2022

TIME	LOCATION	TITLE	DESCRIPTION	SPEAKERS
7:45AM to 5:00PM	Plaza Foyer	Registration & Exhibitors		
7:45AM to 8:45AM	Pavillion	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.	
8:45AM to 9:00AM	Grand Ballroom I-II	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.	
9:00AM to 10:30AM	Grand Ballroom I-II	Updating your Sign Code after the Supreme Court's <i>City of Austin v. Reagan National Advertising of Texas Inc.</i> case	Reed v. Town of Gilbert has been a thorn in the side of local governments for 7 years. In a great win for local governments, the Supreme Court held in <i>Austin v. Reagan Nat. Advertising</i> that distinctions between on/off-premises signs are content neutral under Reed and therefore not subject to strict scrutiny. Hear from a panel of experts on the importance of this decision and its implications for Reed, sign law regulation, and First Amendment jurisprudence going forward.	Erika Lopez & Susan Trevarthen Moderator: Lisa Glover

TIME	LOCATION	TITLE	DESCRIPTION	SPEAKERS
9:00AM to 10:30AM	Atrium	Considerations in Municipal Construction Contracting	Aging facilities and expanded funding sources have provided opportunities for cities in various locations to conduct a variety of construction projects in upcoming years. Given the large volume of capital improvement projects on the horizon, it is critical that legal counsel is prepared to advise on issues that frequently arise on construction projects. Municipalities have a unique set of issues that may arise, in addition to those that are common on any complex construction job. This discussion will provide summaries and commentary on several items that municipal lawyers should consider when their clients embark on construction projects. Topics will include new potential funding sources, project delivery method considerations, procurement procedures, and performance default risk management.	James Walker & Christine Taylor Moderator: Joseph Lauber
10:30AM to 10:45AM	Plaza Foyer	Coffee Break		
10:45AM to 11:45AM	Atrium	RLUIPA Update	Under RLUIPA, religious organizations may pursue claims against governmental entities for imposing substantial burdens on their religious exercise, for discrimination against religious organization or for treating religious organizations less favorably than secular organizations in making land-use decisions. This discussion would include strategies for how governments can reduce their risk of such claims, including through the regular review of zoning regulations and administrative policies and procedures. Finally, the presenters will provide a summary of the various defenses that can be asserted against any such claims and strategies for defending against any such claim if asserted.	James Benjamin, Jr., Howard Feldman, & Aaron Casagrande Moderator: Lori Bluhm
10:45AM to 11:45AM	Grand Ballroom I-II	Delivery Bots: Adorable or Nuisance?	The discussion is about delivery bots. Specifically, what they are and why they are an issue for cities. We will provide background on the bots and information about what type of bots are on the horizon. We will talk through the City of Franklin and City of San Jose experiences and will discuss legal issues for our cities and lessons learned.	Shauna Billingsley & Nora Frimann Moderator: Lina James
12:15AM to 1:15PM	Galleria	Section Lunches (Bring Your Own)	Grab lunch from the Hotel market and bring it back to one of the different tables to talk with your peers focused on: employment law, telecommunications, environmental law, international comparative law, and current thorny Canadian legal issues. This is a casual lunch discussion / networking opportunity and is not for CLE. Note that the lunch will start at 12:15 pm	
1:30PM to 2:30PM	Atrium	Affirmative Securities Litigation – An Underused Tool for Municipalities?	Many municipalities have the ability to pursue litigation to address illegal conduct and recover losses, especially losses on municipal retirement systems investments. Leading securities law experts and affirmative litigators explore the risks and opportunities of securities litigation to recover municipal losses due to fraud and dissect case studies of recent impact litigation led by municipalities.	Darren Robbins Moderator: Erich Eiselt
1:30PM to 2:30PM	Grand Ballroom I	Reverse Conviction Litigation & the Conviction Integrity (Review) Unit	More and more municipalities are facing high exposure Section 1983 Reverse Conviction lawsuits as a direct result of “investigations” conducted by Prosecutorial Conviction Integrity/Review Units (CIU). Plaintiffs rely heavily on these “investigations” in support of their claims and routinely identify, as Exhibit 1 at trial, an official government document certifying their innocence. This evidence can be the most challenging evidence a lawyer will face when defending against these claims. In this session, you will learn more about the CIU and strategies on how to assess the reliability of these “investigations”.	Avi Kamionski & Shneur Nathan Moderator: Sherri Russell
1:30PM to 2:30PM	Grand Ballroom II	Law Office Management: Succession Planning	This presentation will discuss staff development as a way to help with succession planning and provide practical tips on how you can help plan for smooth transitions in your law office.	Stephen Postema & Patrick Baker Moderator: Jeffrey Dana

TIME	LOCATION	TITLE	DESCRIPTION	SPEAKERS
2:40PM to 3:40PM	Grand Ballroom II	Professionalism and the Art of Wellness: An Inquiry into Stress	The legal profession is a particularly stressed-out profession. The toxic political climate facing many local government lawyers adds another layer of stress to the every-day practice of law. Beyond possible substance abuse and addiction issues, stress, in its many forms, can lead to chronic mental and physical problems which interfere with our ability to practice law effectively and impact our duties and obligations under the rules of professional conduct including the rules on competency (Rule 1.1) and diligence (Rule 1.3). Impairment (Rule 1.16(a)(2)) and professional misconduct (Rule 8.4), including our obligation to report misconduct (Rule 8.3), also come into play. This session will discuss the science of stress and the body and suggest ways to recognize the stress response as it's happening. We will conclude with learning how to reduce the impact of stress on the mind and body through simple breathwork.	Lori Lein Moderator: Randall Van Vleck
2:40PM to 3:40PM	Atrium	Climate Change: Local Government Issues	Municipal lawyers who care about the environment and worry about climate change may think their abilities to make a difference are limited. However, they are in a key position to influence local government response to the climate crisis. Incorporating language into agreements and laws governing procurement, project management, and land uses can dramatically improve a municipality's environmental impact. This presentation will help attorneys think about how they can develop contracts and regulations that address climate. Roger Horner, of Practical Law's Government Practice Service, will share how lawyers in the US have become involved with The Chancery Lane Project. TCLP, founded in London, is a focused and collaborative effort of lawyers from around the world to add climate clauses to contracts to help fight climate change.	Roger Horner Moderator: Nina Hickson
2:40PM to 3:40PM	Grand Ballroom I	Preparing for and Responding to First Amendment Audits	So-called "First Amendment audits" are becoming more prevalent. The auditors' stated goal is to educate the public about their constitutional rights, and they often do so by filming public buildings and officials. If you aren't careful, they could cost your municipality in the form of a lawsuit and negative publicity. This presentation will discuss First Amendment principles related to filming including time, place, and manner restrictions on these activities. It will explore best practices, administrative policies, and how to train employees in relation to citizens' filming public employees and public buildings.	Eric Shytle & Deborah Fox Moderator: Brad Cunningham
2:40PM to 3:40PM	Broadway	Small / Rural Communities Presentation: More Than a Lawyer: Identifying City Core Services and Resources to Support Them	While most of lawyers' work is centered around legal questions from their clients, a city attorney plays a unique role of also being a member of the city team that works to improve the community and the services provided to that community. This presentation focuses on that dual role of legal counsel and team member as an Oregon city grapples with prior budget shortfalls to identify the services that are core to the city, the current levels of service for those core services, and the new or updated resources to increase levels of service. Information will be provided regarding the legal mechanisms to increase and create new franchise fees, payments in lieu of tax, and operations fees collected through utility bills.	Amanda Guile-Hinman Moderator: Shauna Billingsley
2:40PM to 3:40PM	Parlor	Understanding Tribal Sovereignty: An Essential Primer for Productive Native American Relations	The U.S. Constitution recognizes that Native American tribes are distinct political communities possessing ancient sovereignty. Further, federal policy endorses tribal self-determination and self-governance. Too often, local governments shy away from unknowns surrounding Native American culture and governance, failing to also fully recognize and honor tribal sovereignty. In this session, attendees will receive a primer on tribal sovereignty and practical advice for municipal governments working with tribes in their jurisdictions. Presenters will impart their many years of knowledge and experience in advising Native American tribes to help improve city-tribal relations and to foster a better understanding of tribal norms.	Josh Newton & Ellen Grover Moderator: Mike Porter
3:40PM to 3:55PM	Plaza Foyer	Coffee Break		

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3:55PM to 4:55PM	Grand Ballroom II	Preparing for and Responding to First Amendment Audits	So-called "First Amendment audits" are becoming more prevalent. The auditors' stated goal is to educate the public about their constitutional rights, and they often do so by filming public buildings and officials. If you aren't careful, they could cost your municipality in the form of a lawsuit and negative publicity. This presentation will discuss First Amendment principles related to filming including time, place, and manner restrictions on these activities. It will explore best practices, administrative policies, and how to train employees in relation to citizens' filming public employees and public buildings.	Eric Shytle & Deborah Fox Moderator: Brad Cunningham
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5:00PM to 5:45PM	Parlor	Nominating Committee		
5:00PM to 5:45PM	Broadway	Listserv Meeting		
5:00PM to 6:00PM		LexisNexis Happy Hour	Join LexisNexis at a happy hour before our welcome reception where drinks, hors d'oeuvres and networking will be abundant!	
6:00PM to 7:30PM		Welcome Reception	Kick off the 87th Annual Conference the Welcome Reception. This year our Welcome reception will be held at Punch Bowl Social. This will be a fun and casual welcome reception that will feature an opportunity to have drinks and heavy hors d'oeuvres with your fellow attendees while bringing out your competitive side. IMLA will have exclusive use of the space, which includes bowling, billiards, ping pong, darts, giant scrabble, and more. Don't worry, if you just want to sit back and relax with a drink, you can do that too. A badge is required for entry and the dress is casual. We hope to see you there!	

Friday, October 21, 2022

TIME	LOCATION	TITLE	DESCRIPTION	SPEAKERS
7:30AM to 8:30AM		Past President's Breakfast	Invitation Only.	
7:45AM to 2:00PM	Plaza Foyer	Registration & Exhibitors		
7:30AM to 8:30AM	Grand Ballroom I-II	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.	
8:30AM to 9:30AM	Broadway	2022 Telecommunications Review - Recent Municipal Broadband Experiences	The presenter will provide a summary of current major telecommunications issues with an emphasis on real life Municipal Broadband Building issues. This presentation is being brought to attendees by the Telecommunications Section, but all are welcome.	Michael Watzka & Casey Lide Moderator: Susana Alcalá Wood
8:30AM to 9:30AM	Parlor	E-discovery: Not Just a Litigation Tool: ESI Primer for Public Records (FOIA) Requests	E-discovery principles are often only used in civil litigation, but did you know there are numerous benefits to using e-discovery tools when responding to requests for public records? In this session, attendees will gain a key understanding of Electronically Stored Information (ESI), the Electronic Discovery Reference Model, and how to produce ESI in response to requests for public records. Participants will leave the session more equipped to handle public records matters with efficiency, confidence and success.	Christine Wood Moderator: Samantha Gamboa
8:30AM to 9:30AM	Pavillion East/West	Environmental Justice, Waters of the United States, PFAS, and NEPA/Climate Change	The presenters will discuss the latest developments as the federal government doubles down on environmental justice, SCOTUS takes up WOTUS again, EPA raises liability fears for PFAS the "forever chemicals," and NEPA must consider climate change. This presentation is brought by the environmental section, but all are welcome.	Gene Tanaka & Rebecca Andrews Moderator: David Hori
8:30AM to 9:30AM	Atrium	Invasion!: Eminent Domain Trends 2021 and 2022.	In the wake of Knick, Cedar Point, and Pakdel, the landscape surrounding eminent domain litigation has changed. Land-use regulation, planning, and ordinary uses of municipal police power are increasingly subject to novel inverse condemnation claims under the right-to-exclude theory of Cedar Point. Learn how courts around the nation are handling these "invasion" claims and help your jurisdiction practice defensive law to avoid or reduce liability for such claims. There will be punch and pie. This presentation is brought through the land use section but all are welcome.	Steven Silva Moderator: Rose Humway-Warmuth

TIME	LOCATION	TITLE	DESCRIPTION	SPEAKERS
9:30AM to 9:45AM	Plaza Foyer	Coffee Break		
9:45Am to 10:45AM	Parlor	Election Law at the Crossroads	This program will focus on the most recent developments in election law, with emphasis on the Independent State Legislature theory to further restrictions on Section 2 Vote Dilution under the Voting Rights Act and pernicious efforts to suppress minority voting. Given the uncertainty in the law as reflected in the most recent grant of certiorari in the Moore v. Allen case and Brnovich, this program will resonate with local government counsel interested in keeping current in this volatile area of the law.	Benjamin Griffith Moderator: Christopher Balch
9:45Am to 10:45AM	Pavillion East/West	Reflections on Leadership	Like any job skill, effective leadership is something that must be developed and practiced, and it should be more than a career afterthought. Leadership can and should be embraced at every level of government, and it is especially important for municipal attorneys who are frequently tasked with much more than providing legal guidance. This session will explore the characteristics of effective leadership in a dynamic and interactive manner and will provide tips on managing both attorneys and non-attorneys through effective leadership.	Karen White & Renee Garcia Moderator: Tony Garcia
9:45Am to 10:45AM	Broadway	That's a Nice Airport and Water/Sewer System You Have... Would Be a Pity If Something Happened to It	Local governments have little or no recourse under the federal constitution to combat attempts by state governments to seize their public enterprise assets. But that does not mean all resistance is futile. This session tells the story of how two North Carolina cities successfully stymied state government efforts to take over valuable and important local enterprises using the limited legal tools available to them.	Robert Hagemann & Dan Clodfelter Moderator: Mujeeb Shah-Khan
9:45Am to 10:45AM	Atrium	Trying an Employment Dispute Using Storytelling	Municipalities are often cast as the villains when current or former employees bring their claims to court. A skillful defense attorney can re-frame the narrative by using the elements of storytelling at trial. In this presentation, you will learn how to choose, develop, and present the story of your case to engage the jury and bring them to your side. This presentation is brought through the employment law section but all are welcome.	Marjorie Cohen Moderator: Robin Cross
10:55AM to 11:55AM	Parlor	Election Law at the Crossroads	This program will focus on the most recent developments in election law, with emphasis on the Independent State Legislature theory to further restrictions on Section 2 Vote Dilution under the Voting Rights Act and pernicious efforts to suppress minority voting. Given the uncertainty in the law as reflected in the most recent grant of certiorari in the Moore v. Allen case and Brnovich, this program will resonate with local government counsel interested in keeping current in this volatile area of the law.	Benjamin Griffith Moderator: Christopher Balch
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10:55AM to 11:55AM	Atrium	Let's talk Crypto and Blockchain	This presentation will briefly introduce cryptocurrency and the blockchain technology upon which it is based, discuss current trends in the ecosystem, some of the risks associated with digital assets, how current and new regulations affect how local governments can interact with digital assets, and examples of how local governments have entered the space.	Xavier Alban Moderator: Leann Guzman
12:00PM to 1:40PM	Grand Ballroom I-II	All Conference Lunch / Keynote Address		Judge Aiken
2:00PM to 5:00PM		Land Use Tours	Advance registration is required. If you already registered and would like to add the land use tour, please email trina@imla.org.	
5:00PM to 7:00PM		Soccer		
		Dine Around Opportunities	Attendees will have the opportunity to go to dinner in small groups (responsible for their own payment) at restaurants around the City. If you would like to host or attend, email Caroline at cstor@imla.org.	

Saturday, October 22, 2022

TIME	LOCATION	TITLE	DESCRIPTION	SPEAKERS
8:00AM to 5:00PM	Plaza Foyer	Registration & Exhibitors		
9:00AM to 5:00PM	Broadway	Canada Day	See Program Below.	
7:30AM to 9:15AM	Pavillion	All Conference Awards Breakfast	Please join us to honor IMLA award recipients during this all conference awards breakfast. We will also be doing our Exhibitor Passport drawing during the breakfast.	
9:30AM to 11:00AM	Grand Ballroom I-II	Effective Use of Experts in Environmental and Construction Litigation	Expert witness services in complex construction and environmental cases begin long before arriving at the courthouse, arbitration or administrative hearing. From selecting the "right" expert to creating a working partnership to identify, gather, analyze, organize, assemble and present critical documentary, scientific and testimonial evidence to support your municipal case, a little know-how goes a long way. This program panel featuring three well-seasoned construction attorneys, one of whom is a professional engineer and former program manager will walk municipal practitioners through each process step of assembling and presenting effective testimony from an expert witness. From what to request in varying types of cases to how to qualify and examine/cross examine experts from foundation to finish, this program promises to improve the effectiveness of your investigation, evaluation, prosecution, and defense of complex technical matters. Complex case situations in construction litigation and environmental enforcement/defense will be used to highlight the expert's role and the advocates effective use of their services.	Steven Torres, Christopher Petrini & Greg Holness Moderator: Thomas Powers

TIME	LOCATION	TITLE	DESCRIPTION	SPEAKERS
9:30AM to 11:00AM	Atrium	Sober Homes / Group Homes	Municipalities are increasingly being asked to accommodate treatment facilities in residential neighborhoods (i.e., group homes or sober living homes). This presentation will focus on the federal elements of a “reasonable accommodation” request, common arguments made during a request, and how to respond to those arguments.	William McKamie, Miles Risley & Todd Sheeran Moderator: Anne Milligan
11:00AM to 11:15AM	Plaza Foyer	Coffee Break		
11:15AM to 12:15PM	Atrium	When It Rains, It Portlands: Navigating Federal Telecom Policy and Broadband Funding Opportunities	Between the FCC and federal courts, federal telecom policy, like Portland weather, seems to change on a regular basis. In addition, Congress and the Biden administration have made available almost \$60 billion in broadband subsidies. This session will provide attendees with “umbrella coverage” of the latest in cable and wireless federal regulation, suggested best practices and an outline for how your community can best ensure its residents benefit from this new federal broadband funding.	Gerard Lederer, Gail Karish & Tillman Lay Moderator: Arthur Gutekunst
11:15AM to 12:15PM	Grand Ballroom I-II	Employment Law: Hot Topics in the Workplace	You’ve weathered the 2020-2022 employment storms—vaccine mandates, return to work strategies, the Great Resignation, and more—what’s next? In this not-to-be-missed session, three employment litigators from opposite coasts will combine forces to predict what’s in store for 2023. Covering topics as wide ranging as model gender transition plans, culturally competent hair and grooming policies, and mental health’s intersection with workforce retention post-Big Resignation, our speakers will lay the foundations of hot new topics in employment law and make the case that after the recent years of chaos, proactive allyship and thought leadership in employment policies is the key to stemming the ongoing tide of mass municipal employee departures.	Anne Milligan, Elizabeth Okakpu & Michael Sheehan Moderator: Fallon Niedrist
12:45PM to 1:30PM	Galleria	Working Group Lunch (Bring Your Own)	Grab your lunch from the Hotel market and come back to meet with working groups to talk about issues related to the topics of homelessness, diversity, equity, and inclusion, affirmative litigation, and construction contracts. Note that the discussion leaders will arrive at 12:45 for the lunch.	
1:30PM to TBD		2nd Annual Rick Doyle Memorial Golf Tournament	Attendees will be responsible for paying for their tee time and rentals.	
1:30PM to 2:30PM	Atrium	What Happens When Your Sports Team Leaves Town?	The first presentation will set out what transpired since the construction of the City-owned hockey arena, culminating with the City’s recent announcement to not continue the relationship with the NHL Arizona Coyotes. This will touch upon the bankruptcy of the team, the sale of the associated mixed use project, the various changes of ownership and the litigation between the City and the hockey club. The second presentation will fast forward and provide a glimpse into the future after a team (or a shopping center) leaves and the local government is left with an abandoned stadium/property. This presentation will explain what happened after the Atlanta Braves left Atlanta and how the City has subsequently developed that area.	Douglass P. Selby Moderator: Rusi Patel
1:30PM to 2:30PM	Grand Ballroom I-II	Confession of a Micro-manager: How to Manage an Investigation without Becoming a Witness	A guidebook for managing any investigation (employment issues to officer shooting) without becoming the lead investigator.	Sharae Reed Moderator: Kelly Schwab

TIME	LOCATION	TITLE	DESCRIPTION	SPEAKERS
2:30PM to 2:45PM	Plaza Foyer	Coffee Break		
2:45PM to 3:45PM	Atrium	Legal Issues Surrounding Civility in Local Government	This presentation will walk attorneys through legal issues surrounding disruptions and incivility at public meetings. The presenters will provide details about what to do before the meeting and during the meeting, as well as how to handle significant disruptions that impact the public entities ability to conduct its business.	Patricia Link & Pam Whitmore Moderator: Robert Palmer
2:45PM to 3:45PM	Grand Ballroom I-II	Public-Private Partnership in Infrastructure Overview	This presentation will consist of an overview of infrastructure P3 structures, processes, and risk management for local government attorneys.	John Wheatley Moderator: Brian Day
3:55PM to 4:55PM	Grand Ballroom I-II	A Tale of Two Responses to Houselessness	The first presenter from Rapid City, South Dakota will share that City's experience about how the City has saved money diverting calls related to houseless residents' social emergencies from police/fire to co-responder organizations, and the legal issues surrounding the creation of the new infrastructure the City has put in place to attempt to address long-term resolution of local issues contributing to houselessness. Rapid City also has to navigate thorny jurisdictional issues with Sovereign Nations and contracts with tribes, the federal government, and out of state service organizations. The second presenter from Portland, Oregon will share legal issues faced while the City navigates balancing the many interests of its residents, including unhoused residents, relating to the use of public space, property, and resources. This presentation will address litigation and legal issues related to property storage/removal, food distribution, and ADA issues. The presenter will also discuss legal issues related to restrictions on camping during particular times and/or at particular locations, consistent with the Martin v. Boise decision.	Naomi Sheffield & Jennifer Utter Moderator: Tony Garcia
3:55PM to 4:55PM	Atrium	Creating a Supplier Diversity Program	Many big cities have longstanding and well-established supplier diversity programs. This presentation is focused on the challenges and opportunities for smaller and suburban municipalities that are just starting out in the process. It will discuss legal limitations on the implementation of race-conscious programs, the importance of data collection, disparity studies, and community engagement, and it will provide examples of race-neutral programs that promote access and opportunity for diverse businesses to participate in procurement and contracting opportunities with the municipality.	Maureen O'Brien & Tianna Kalogerakis Moderator: Thomas Powers
5:30PM to 8:00PM	Westlake Park Field #3	Softball	Come play or watch the annual IMLA softball game! Please bring your own glove. The bus will leave promptly at 5:30.	
		Dine Around Opportunities	Attendees will have the opportunity to go to dinner in small groups (responsible for their own payment) at restaurants around the City. If you would like to host or attend, email Caroline at cstorner@imla.org.	

Sunday, October 23, 2022

TIME	LOCATION	TITLE	DESCRIPTION	SPEAKERS
7:30AM to 12:15PM	Ballroom Foyer	Registration & Exhibitors		
8:00AM to 8:30AM	Grand Ballroom	Business Meeting		
8:15AM to 8:45AM	Ballroom Foyer	Coffee Break		
8:45AM to 9:45AM	Grand Ballroom	Church & State at the Crossroads	This presentation will provide an important update on recent developments at the Supreme Court regarding the Establishment Clause and Free Exercise Clause. The Court decided several cases this term involving the Religion Clauses and effectively overruled Lemon v. Kurtzman and the “endorsement” test. Two of the cases involved local actors trying to avoid Establishment Clause violations only to land in hot water at the Supreme Court. Hear from experts about what is left of the Establishment Clause and how to avoid constitutional violations in this important area of the law.	Michael Dreeben & Jim Oleske Moderator: Tom Carr
9:45AM to 10:00AM	Ballroom Foyer	Coffee Break		
10:00AM to 11:00AM	Grand Ballroom	Case Law Update: Around the Circuits in 60 Minutes	This is a fast paced presentation that will provide summaries of cases touching on all aspects of local government law from all the circuits.	Douglas Haney Moderator: Wynetta Massey
11:05AM to 12:05PM	Grand Ballroom	Ethics: Who is Your Client?	This presentation will focus on who the municipal client is by discussing Rule 1.13. The presentation will also cover Rules 1.3 (Diligence), 1.4 (Communications), and 1.6 (Confidentiality of Information).	Matt Gigliotti & Charlotte Ferns Moderator: Wynetta Massey

Oregon Day

Wednesday, October 19, 2022

Grand Ballroom I

Wednesday, October 19, 2022

TIME	TITLE	SPEAKERS
7:30AM to 8:30AM	Registration - Will be held in the Plaza Foyer.	
8:00AM to 8:30AM	Breakfast - Will be held in Galleria.	
8:30AM to 8:45AM	Welcome	Sydnee Dreyer & Tommy Brooks
8:45AM to 9:45AM	Public Contracting – Purchasing Tips for the Wise and Traps for the Unwary	Gabriele Schuster
9:45AM to 10:30AM	Local Government Regulation of Firearms	Jim Brewer & Linda Law
10:30AM to 10:45AM	Break	
10:45AM to 12:00AM	Addressing Structural Racism & Discrimination - What Government Lawyers Should Consider	Stephen Menendian
12:00AM to 12:15PM	OSB Gov't Law Section Annual Meeting.	
12:15PM to 1:00PM	Lunch, Networking	
1:00PM to 2:00PM	Clear & Objective Standards: What Are They & How to Write Them	Tommy Brooks, Lauren Sommers & Bill Kabeiseman
2:00PM to 3:00PM	Top 10 Tips for Successfully Applying Veterans Preference	Kyle Abraham
3:00PM to 3:15PM	Break	
3:15PM to 4:15PM	ORS Chapter 244, Government Ethics: What it Means for Local Government Lawyers	Kenny Montoya
4:15PM to 5:00PM	Code Enforcement: Best Practices for Government Attorneys	Laura Westmeyer & Jill Foster
5:00PM to 5:15PM	OCAA Annual Meeting	
		All Day Moderators: Patty Mulvihill & Jayme Pierce

Code Enforcement Program

Wednesday, October 19, 2022

Atrium

Wednesday, October 19, 2022

TIME	TITLE	DESCRIPTION	SPEAKERS
9:00AM to 10:00AM	Case Law Update	This presentation discusses recent case law decisions specific to the field of code enforcement field.	Sherri Russell
10:00AM to 10:15AM	Coffee Break	Held in Plaza Foyer.	
10:15AM to 11:15 AM	Aggressive Nuisance Abatement	This presentation discuss Columbus' unique model of aggressive nuisance abatement work. Lawyers are assigned to each of the 5 Columbus police zones and the City seeks to abate drug houses, bad businesses, crime ridden apartment complexes and motels through this model.	Stephen Dunbar
11:20AM to 12:20PM	Sexually Oriented Businesses	Explore the wild world of Sexually Oriented Business litigation following San Antonio's move from the "(Even More) Itsy Bitsy Teeny Weeny Yellow Polka Dot PASTIE" to the "Itsy Bitsy Teeny Weeny Yellow Polka Dot BIKINI TOP." In the immortal words of the Honorable Chief Judge of the Western District Court Fred Biery: "[T]he Court was presented with the "age old question, ... with constitutional implications: Does size matter?" SPOILER: IT DOES. From constitutional analysis to survivalist 'WE'RE NOT SOB' owners during COVID. Join us through this adventure of glitter, cheap perfume, and dimmed lights to the inevitable "unhappy ending" and "the last dance" for XTC Cabaret.	Jose Niño & Samuel Adams
12:20PM to 2:00PM	Lunch on Your Own		
2:00PM to 3:30PM	Addressing Nuisance Independent Living Facilities, City of San Diego's Unsafe Facility Task-force	In 2018, the City Attorney's office formed the Unsafe Facilities Task Force to address nuisance Independent Living Facilities (ILFs). ILFs are group homes where individuals live together and pay rent to a business operator/lessee or the property owner. ILFs are not regulated by the state or via zoning ordinances. The ILF residents are supposed to be independent, not needing assistance with daily living activities like bathing, taking medications, getting out of bed, etc. Initially, most of these cases are referred to my unit by police officers or the fire department due to the existence of substandard housing violations/code violations- vermin infestation, electrical violations, egress issues. After the City Attorney's office began to see an influx of ILF case referrals from many agencies, we created the Unsafe Facility Taskforce where we partner with the Code Enforcement Division, Health and Human Services, the state agency who regulates licensed facilities, the fire department, police, PERT, and adult protective services to ensure that ILFs are being addressed comprehensively. The City has filed several civil enforcement actions against property owners and bad operators and obtained injunctions, civil penalties and restitution. The criminal division also prosecutes the most egregious cases criminally- where there are elder and dependent abuse violations and also allege the operation of an unlicensed residential care facilities when the operators are providing services.	Gabriela Brannan, Manny Gamboa & Wendy Villanueva
3:30PM to 3:45PM	Coffee Break	Held in Plaza Foyer.	
3:45PM to 4:45PM	New Regulatory Schemes	This presentation will cover practical and legal considerations when you develop a new regulatory scheme. The legal considerations will include constitutional issues such as the Fourth and Fifth Amendments; and the Commerce Clause and the recent 5th Circuit Court of Appeals decision in Hignell vs. City of New Orleans relating short-term rentals.	Patricia Link
			All Day Moderators: Patricia Link or Erich Eiselt

Institute For Local Government Lawyers (ILGL)

Wednesday, October 19, 2022

Grand Ballroom II

Wednesday, October 19, 2022

TIME	TITLE	DESCRIPTION	SPEAKERS
7:30AM to 8:15AM	Program Registration		
7:15AM to 8:15AM	Faculty Breakfast		
8:30AM to 8:45AM	Program Opening Remarks		
8:45AM to 9:45AM	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.	Robin Cross
9:55AM to 10:55AM	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.	Susan Trevarthen
10:55AM to 11:10AM	Coffee Break	Held in Ballroom Foyer.	
11:10AM to 12:10PM	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
12:20PM to 1:20PM	Lunch Break	Will be held in Galleria. There is a separate charge.	

TIME	TITLE	DESCRIPTION	SPEAKERS
1:20PM to 2:20PM	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. The following ABA Model Rules will be discussed in the presentation: 1.6, 1.7, 1.11, 1.13, 3.8, 4.1, 4.2, and 5.1.	Wynetta Massey
2:30PM to 3:30PM	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.	Randy D. Van Vleck
3:30PM to 3:45PM	Coffee Break	Held in Ballroom Foyer.	
3:45PM to 4:45PM	Ordinance Drafting 101	It is an (almost) everyday issue for municipal attorneys: we draft ordinances, fix ordinances staff has drafted, and must consider and weigh local preferences, grammatical rules, punctuation (the infamous Oxford comma), anticipate and close loopholes, and ensure the regulations are enforceable and that will survive prosecution and court challenges. This session will take a fresh look at these considerations and suggestions in drafting ordinances.	Chuck Thompson
			All Day Moderator: Deanna Shahnami

Canada Day Program

Saturday, October 22, 2022

Broadway

Saturday, October 22, 2022

TIME	TITLE	DESCRIPTION	SPEAKERS
9:15AM to 9:20AM	Welcome and Opening Remarks		Wendy Walberg & Byron Werry
9:20AM to 10:20AM	Homelessness: City Can Enforce By-law Prohibiting Camping in City Parks	Does section 7 of the Charter confer a general freestanding right to housing? Can a City be restricted from enforcing its By-laws prohibiting camping in public parks until housing is available? These are the questions the City of Hamilton, like many municipalities across North America have been grappling with as encampments proliferated during the pandemic. This presentation will discuss Poff v. City of Hamilton, 2021 ONSC 7224 an application brought on behalf of five homeless individuals living in encampments. It sought an interlocutory injunction to prohibit the City from enforcing its Park By-law until the Charter challenge was decided. The injunction was denied, but the Charter challenge is proceeding in 2023. This presentation will also talk about encampment enforcement from a practical standpoint; notices, bylaw drafting, staffing, storage of personal belongs, animal services, MOUs with local police and balancing competing Councillor objectives to ensure that Councillors are not directing enforcement.	Monica Ciriello Moderator: Wendy Walberg
10:20AM to 10:30AM	Coffee Break	Held in Plaza Foyer.	
10:30AM to 11:30AM	Integrating Diversity, Equity and Inclusion into Legal Services	Diversity, equity and inclusion (DEI) can be integrated into all areas of your municipal legal practice. From procurement to employment to planning, DEI should be at the forefront of our minds to better assist municipalities become an inclusive place to live. Learn how to look at legal services through a DEI lens.	Meghan Ferguson Moderator: Wendy Walberg
11:35AM to 12:35PM	Durham York Energy Centre - From Garbage to Gigawatts	The presenters worked together on a 5 year journey, navigating the legal pathway through the design, construction, certification and operation of one of the most technically complex and expensive municipal assets in North America. The Durham York Energy Centre is a Design Build Operate and Maintain project developed jointly with owners Durham Region and York Region and private sector proponent Covanta Energy, of Morristown, New Jersey. The facility serves a population of almost 2 million residents, with current annual capacity of 140,000 tonnes, expandable to 450,000 tonnes and generates 126,000 MWh of electricity per year. Throughout this project from the early stages of proponent selection and continuing into the first years of operation, this partnership between external counsel and in-house counsel, steered the project through multiple challenges and areas of law including Procurement, Construction, Construction Lien, Contract and Environmental. With over 30 Waste to Energy facilities in municipalities throughout the United States, including one in Brooks, Oregon, these projects represent an important infrastructure solution to solid waste management in North America.	Jason Hunt & Adam Chamberlain Moderator: Wendy Walberg
12:35PM to 1:35PM	Lunch (on your own)		

TIME	TITLE	DESCRIPTION	SPEAKERS
1:35PM to 2:35PM	BC Municipal Low Carbon Fuel Credit Market Opportunities and Lessons to be Learned for the New Federal GHC Pollution Pricing Act	The presentation will discuss New Westminster's success since becoming a Part 3 fuel supplier under the Greenhouse Gas Reduction (Renewable and Low Carbon Fuel Requirements) Act. The City earns low carbon fuel credits ("BC LCFS") by providing transportation fuel in the form of electricity to propel transit trains and for electric vehicle charging stations that are assumed to displace gasoline use. A City owned district heating plant, now under development, will also provide future BC LCFS generating opportunities. These credits are then sold through a provincially regulated market to registered suppliers of transportation fuels with a high carbon intensity such as refiners. Canada's Greenhouse Gas Offset Credit System Regulations, issued under the GHC Pollution Pricing Act, which came into force on May 20, 2022 are compared to the BC provincial legislation. These regulations which apply across Canada are allowed for use in provinces that do not have offset credit protocols like BC.	Craig MacFarlane Moderator: Byron Werry
2:40PM to 2:55PM	Coffee Break	Held in Plaza Foyer.	
2:55PM to 3:55PM	Municipal Montage: A Round-Up of Significant Municipal Cases in Canada	This presentation will consist of a rapid-fire round-up of recent municipal law cases from across Canada. The cases will cover various topics that may include the powers available to municipalities in response to illegal blockades/ protests ("Freedom Convoy" cases), expropriation, accessibility, negligence, municipal governance, and municipality liability for police action. The presentation will consist of a summary of the underlying facts of each case, the judicial determination, and the implications for municipalities. The topics covered may change depending on emerging case law	Shannon Gaudet & Kathryn Ball Moderator: Byron Werry
4:00PM to 5:00PM	Charting an Ethical Course: Navigating Changes to Municipal Ethics Rules	<p>Across Canada, fundamental changes have been made to municipal conflict of interest rules and codes of conduct over the last several years, with more along the way. While the goal is to strengthen good governance, expanding strict rules to apply in more situations can lead to confusion and apprehension.</p> <p>This presentation will start with a review of new rules in Saskatchewan with an insider's look at the consultations and legislative implementation. Following inquiries into allegations of municipal misfeasance, the province broadened conflict of interest to mean improperly furthering another person's interest and empowered all municipal councils to remove council members for conflicts contraventions. Lessons learned will be applied to an interjurisdictional look to prepare and equip municipalities across Canada facing changes with practical solutions and smart practices.</p>	Steve Dribnenki & David Boghosian Moderator: Byron Werry