



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

## October 19 - 23, 2022 - Portland, Oregon

Virtual Program

TENTATIVE and Subject to Change

Thursday, October 20, 2022

Last updated: 10/14/22

TIME (PACIFIC)	TITLE	DESCRIPTION	SPEAKERS
9:00AM to 10:30AM Pacific Time	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 of Austin</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 <b>Moderator:</b> Lisa Glover
9:00AM to 10:30AM Pacific Time	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 <b>Moderator:</b> Joseph Lauber
10:45AM to 11:45AM Pacific Time	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 <b>Moderator:</b> Lori Bluhm
10:45AM to 11:45AM Pacific Time	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 <b>Moderator:</b> Lina James
1:30PM to 2:30PM Pacific Time	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 <b>Moderator:</b> Erich Eiselt
1:30PM to 2:30PM Pacific Time	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 <b>Moderator:</b> Sherri Russell

TIME (PACIFIC)	TITLE	DESCRIPTION	SPEAKERS
2:40PM to 3:40PM Pacific Time	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  <b>Moderator:</b> Nina Hickson
2:40PM to 3:40PM Pacific Time	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  <b>Moderator:</b> Brad Cunningham
3:55PM to 4:55PM Pacific Time	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  <b>Moderator:</b> Randall Van Vleck
3:55PM to 4:55PM Pacific Time	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  <b>Moderator:</b> Mike Porter

## Friday, October 21, 2022

TIME (PACIFIC)	TITLE	DESCRIPTION	SPEAKERS
8:30AM to 9:30AM Pacific Time	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  <b>Moderator:</b> Rose Humway-Warmuth
9:45AM to 10:45AM Pacific Time	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  <b>Moderator:</b> Robin Cross

TIME (PACIFIC)	TITLE	DESCRIPTION	SPEAKERS
10:55AM to 11:55AM Pacific Time	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  <b>Moderator:</b> Leann Guzman

## Saturday, October 22, 2022

TIME (PACIFIC)	TITLE	DESCRIPTION	SPEAKERS
9:30AM to 11:00AM Pacific Time	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  <b>Moderator:</b> Thomas Powers
9:30AM to 11:00AM Pacific Time	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  <b>Moderator:</b> Anne Milligan
11:15AM to 12:15PM Pacific Time	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  <b>Moderator:</b> Arthur Gutekunst
11:15AM to 12:15PM Pacific Time	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  <b>Moderator:</b> Fallon Niedrist

TIME (PACIFIC)	TITLE	DESCRIPTION	SPEAKERS
1:30PM to 2:30PM Pacific Time	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  <b>Moderator:</b> Rusi Patel
1:30PM to 2:30PM Pacific Time	Confession of a Micromanager: 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  <b>Moderator:</b> Kelly Schwab
2:45PM to 3:45PM Pacific Time	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  <b>Moderator:</b> Robert Palmer
2:45PM to 3:45PM Pacific Time	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  <b>Moderator:</b> Brian Day
3:55PM to 4:55PM Pacific Time	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  <b>Moderator:</b> Tony Garcia
3:55PM to 4:55PM Pacific Time	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  <b>Moderator:</b> Thomas Powers

## Sunday, October 23, 2022

TIME (PACIFIC)	TITLE	DESCRIPTION	SPEAKERS
8:45AM to 9:45AM Pacific Time	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 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  <b>Moderator:</b> Tom Carr
10:00AM to 11:00AM Pacific Time	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 <b>Moderator:</b> Wynetta Massey
11:05AM to 12:05PM Pacific Time	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 <b>Moderator:</b> Wynetta Massey