

Emerging Issues for Municipal Attorneys
co-sponsored by
the Vermont Bar Association and
the Vermont League of Cities of Towns Municipal Assistance Center

Capitol Plaza Hotel and Conference Center
Montpelier, Vermont

Thursday, December 3, 2015

AGENDA

8:30 Registration (Coffee and Light Breakfast Provided)

9:00 Welcome and Overview of the Day

9:05 Lessons learned from *Nelson v. St. Johnsbury* and *Hallsmith v. Montpelier*

The recent cases of *Nelson v. St. Johnsbury* and *Hallsmith v. Montpelier* have significantly furthered our understanding of employment that may be terminated only “for cause” and the process that is due in such cases. This panel of leading lawyers from the *Nelson* and *Hallsmith* cases will discuss the procedural and substantive issues that arose in these two recent municipal employment termination cases before the Vermont Supreme Court.

Norman Blais, Esq., Law office of Norman Blais, PC

Richard Cassidy, Esq., Hoff Curtis, PC

Bernie Lambek, Esq., Zalinger Cameron & Lambek, PC

John Leddy, Esq., McNeil, Leddy & Sheahan, PC

Moderated by Brian Monaghan, Esq., Monaghan Safar Dwight, PLLC

10:35 Break

10:45 When Big Wind (or Solar) Comes to Town

Large-scale wind and solar energy developments have become common in many of Vermont’s municipalities. Most of these facilities are subject to the Public Service Board regulatory process and therefore are exempt from municipal zoning. Nonetheless, some municipalities play a significant role in the development and siting of such facilities. In this session, attorneys representing municipalities that host such facilities will provide their perspectives on the municipal role in the PSB process. There will also be discussion of host town agreements and negotiated settlements between energy developers and host towns.

Cindy Hill, Esq., Law Offices of Cindy Ellen Hill

Richard Saudek, Esq., Diamond & Robinson, P.C.

12:00 Lunch (provided)

1:00 Dealing with the Sharing Economy – Airbnb and Uber

Airbnb and Uber are two of the biggest players in the so-called “sharing economy,” where one person has resources and another person seeks to rent, borrow, or use those resources temporarily. These multi-billion dollar entities are causing municipalities to consider issues of municipal zoning, code enforcement, health and safety, and the generation of taxes and fees. In this session, staff from the Burlington City Attorney’s Office will discuss the legal and practical issues presented when Airbnb and Uber operate within a Vermont municipality.

Eileen Blackwood, Esq., Gregg Meyer, Esq., and Kim Sturtevant, Esq., Burlington City Attorney’s Office

2:15 Break

2:30 Ethical Issues Presented When the Municipality is the Client

The diffuse power structure of Vermont municipal government can pose unusual ethical questions for the municipal attorney. Many of these questions are not clearly addressed by the Rules of Professional Conduct. This session will explore perennial questions such as who is the client?; to whom is the duty of confidentiality owed?; who *is* “the municipality”?; how independent are Vermont’s independently elected town officers?; as well as other thorny issues faced by the municipal practitioner.

Dan Richardson, Esq., and Ryan Kane, Esq., Tarrant, Gillies, & Richardson, PC

3:45 Conclusion

Who Should Attend and Why

This workshop is designed for municipal attorneys and the paralegals and staff who assist them. The goal of this year’s Forum is to provide an opportunity for both seasoned and new attorneys to learn about and discuss emerging issues in Vermont municipal law including energy siting issues, the safety and regulatory challenges of Airbnb and Uber, and the challenges of providing due process in the employment termination process.

We anticipate that this workshop will offer 5 continuing legal education credits, including 1 ethics credit.