

Municipal Law
Course Syllabus
Spring Semester 2020

Class will meet on Thursdays at 3:35 to 5:15 pm in Oakes 210.

Students will be expected to attend a Town Meeting on March 3, 2020.

Required Text: Municipal Law Casebook. Reading and work assignments may be revised throughout the semester to take advantage of emerging issues, class discussion, and reenforcement of key concepts.

Supplemental text: *McCarthy & Reynolds, Local Government in a Nutshell* 5th ed. (2007).

Pre-Class Reading Assignment (for first class): *Handverger v. City of Winooski*, 2011 VT 134; *Sargent v. Clark*, 83 Vt. 523 (1910); *Vt. Rule of Professional Conduct 1.13*; “*The State and Local Government*,” by Paul S. Gillies

Section I. Introduction and Municipal Law Basics

January 16th

Introduction to Municipal Law:

- Forms and Structures of Municipal Governments
- Origins of Municipal Entities
- Services and Functions of Municipal Government
- Sources of Municipal law: Statute; Charter, Ordinances; and Bylaws
- What Makes a Municipality Different from State and Federal Government?
- Who Does the Attorney Work for in a Municipality?

Reading Assignment: Valcour v. Village of Morrisville, 104 Vt. 119 (1932); *Commonwealth Edison Co. v. City of Warrenville*, 680 N.E.2d 465 (Ill. App. 1997) (and Section 6 of the Ill. Constitution); *Review Title 24 Vermont Statutes Annotated and Title 17 Vermont Statutes Annotated*

January 23rd

Municipal Law Basics Cont’d

Writing Assignment #1: Crisis in the Treasurer’s Office (Due Jan. 30th)

January 30th

Wrap-Up on Municipal Law Basics and Discussion of Writing Assignment

Reading Assignment: Finberg v. Murnane; Galloway v. Town of Hartford; Price v. Fairlee

Section II. Public Meetings and Public Records

February 6th

Public Records Introduction

Reading Assignment: Wesco v. Sorrell; Doyle v. City of Burlington; Munson Earth Moving v. City of South Burlington (trial court op.)

February 13th

Public Records Cont'd and Public Meetings

Assignment #2: Public Records Request and Response (Due Feb. 20th)

Reading Assignment: Trombley v. Bellows Falls Union School; Rowe v. Brown; Valley Realty v. Town of Hartford; Kevan v. Town of Randolph

February 20th

Discussion of Public Records Assignment and Review of Public Meeting

Statute/Introduction to Public Meeting Issues

February 27th

Finish Public Records and Meeting Material

Reading Assignment: Hallsmith v. City of Montpelier, 2015 VT 83; Nelson v. Town of St. Johnsbury, 2015 VT 5

Section III. Employment Issues

March 5th

Possible Guest Speaker

Employment Law Basics

Terminating Employees: Notice and Process

March 19th

What Process is Due

Due Process Issues/1983 Claims

Reading Assignment: Libercent v. Aldrich; Levinsky v. Diamond; Hudson v. Town of East Montpelier; Morway v. Trombly

Section IV. Liability and Immunity

March 26th

Municipal and Officer Liability

Officer Immunity

Town Meeting Discussion

Reading Assignment: Langlois v. Town of Proctor, 2014 VT 130; Welsh v. Village of Rutland, 56 Vt. 228 (1883); Hillerby v. Town of Colchester

Assignment #3: Liability Problem (Due April 2nd)

April 2nd

Municipal Liability/Immunity Cont'd

Liability Cont'd; Municipal Immunity

—Statutory Immunity

—Municipal v. State Immunity

—Officer Immunity

—Employee Immunity

Reading Assignment: Village of St. Johnsbury v. Aron; City of Burlington v. Jay Lee; SBC Enterprises Inc. v. City of So. Burlington, State v. Yokey

Section V. Police Powers

April 9th

How an Ordinance Is Enacted

How Ordinances Are Enforced

Health and Noise Ordinances

Municipal Police Powers/Nuisance Powers

Reading Assignment: Sondergeld v. Town of Hubbardton; American Museum of Fly Fishing v. Town of Manchester; Town of Killington v. Vermont Dept. of Taxes; Town of Victory v. Vermont Dept. of Taxes; Lesage v. Town of Colchester;
Assignment #4 Memo on hearing and process for alleged violations of health and noise ordinance: Brief/Memorandum (Due last class)

Section VI. Property Taxation

April 16th

Police Powers Continued

Property Tax Basics

—Listers

—Grand List

—Homestead exemption

—Abatement

—Non-Profit exemptions

Introduction to Eminent Domain

Reading Assignment: Munson v. City of South Burlington (ED case); Lysobey v. Okemo Mtn.; Stearns v. City of Barre.

Section VII. Eminent Domain

April 23rd

Eminent Domain Powers

—Sources of authority

—Limitations on authority

—Purposes for legitimate takings

—Necessity and Damage Components

Specific Eminent Domain Powers

—Municipal Land

—Water Works

—Urban Renewal