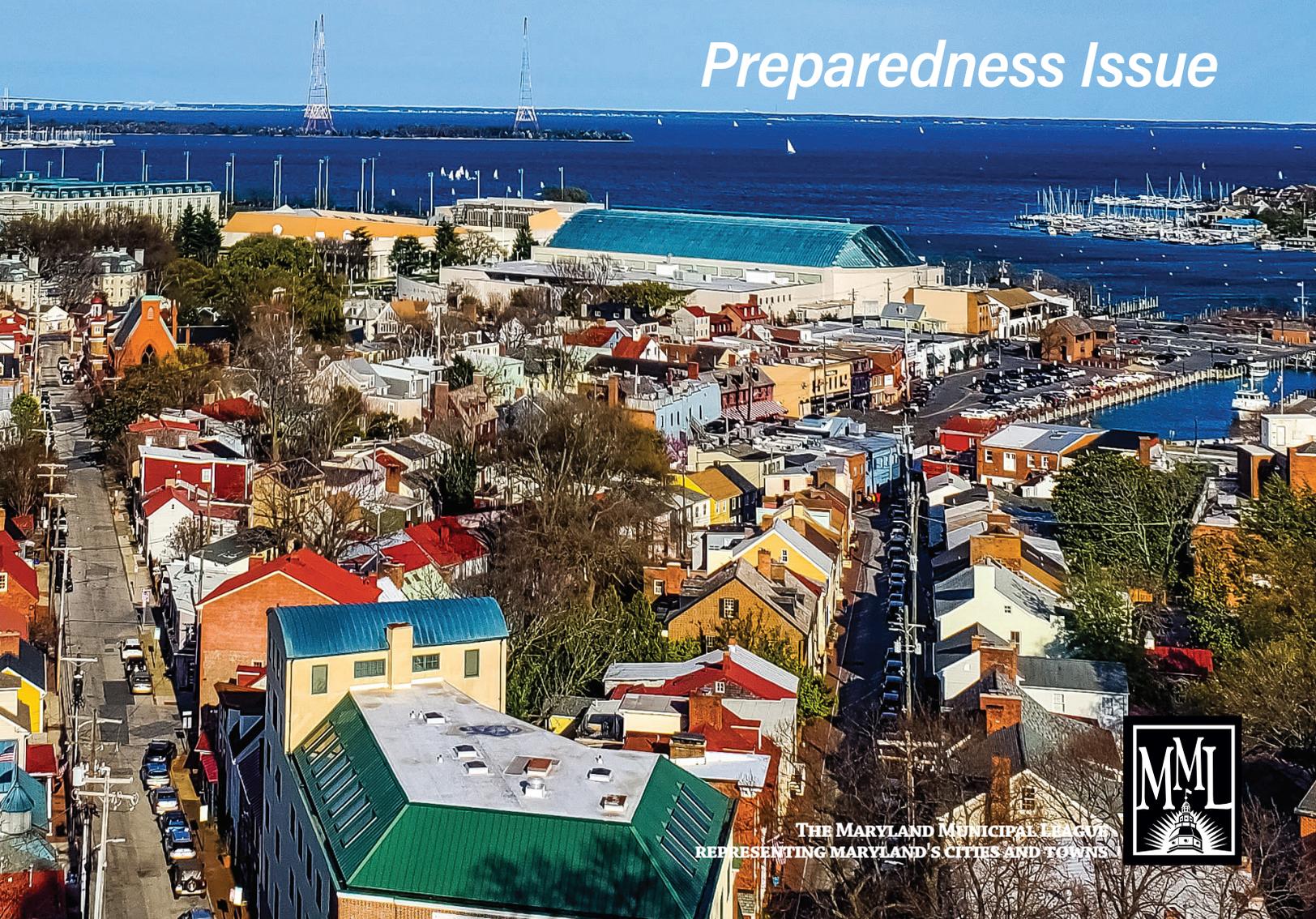


Municipal Maryland

JULY AUGUST 2022

*MML Fall Conference
and Emergency
Preparedness Issue*



THE MARYLAND MUNICIPAL LEAGUE
REPRESENTING MARYLAND'S CITIES AND TOWNS



Making the Most of Your LGIT Membership

LGIT ADDS A NEW LAW ENFORCEMENT SERVICE - LLRMI



Legal Liability Risk Management Institute (LLRMI)

LGIT has partnered with LLRMI to provide our member law enforcement agencies with the best in model policies, policy reviews, agency-specific policies, and services to improve professionalism and reduce liability.

- Developing model policies for LGIT law enforcement agencies based on changes in both state and federal law
- Reviewing current policies and providing detailed findings and recommendations
- LGIT members will have access to LLRMI risk management consultants and attorneys for policy and/or LE liability questions
- LLRMI's virtual online training will be made available to LGIT member Class A personnel
- LLRMI instructor led training will be made available at discounted cost to LGIT members



LLRMI also provides training in specific skills and current trending issues. Classes include:

- | | |
|------------------------|------------------|
| Cell Phone Forensics | De-Escalation |
| Hostage Negotiations | Implicit Bias |
| Search and Seizure | Mentally Ill |
| Homicide Investigation | Autism Subjects |
| Leadership Training | Internal Affairs |
| Fire Investigation | FTO |

****Many More**



LOCAL GOVERNMENT INSURANCE TRUST
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Municipal Maryland

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THE COVID-19 PANDEMIC: **MUNICIPAL LESSONS LEARNED**

BY STACIE SPRAGINS, MANAGER OF EDUCATION AND INFORMATION RESOURCES



This past April, the Maryland Municipal League’s Hometown Emergency Preparedness Ad Hoc Committee (HEPAC) surveyed Maryland municipal leaders to discern the pitfalls and successes of municipal emergency response efforts for the COVID-19 pandemic.

At the League’s Summer Conference in June, themed “Turning the Tides with Oceans of Opportunity,” HEPAC members shared survey outcomes with municipal leaders by leading them through rich team dialogue. During these discussions among colleagues, COVID-19 was viewed with a renewed lens to effect future policy and protocol. Following is some of what was gleaned during the roundtable discussions.

Based on survey responses five areas were examined: technology, municipal operations, employee retention/well-being, community outreach and COVID-19 policy/procedure. Overwhelmingly, municipalities pointed to technology as an

area of concern, specifically the importance of increased broadband, upgraded technology and remote/virtual platforms. Municipalities’ responses included increasing access to broadband technology using hotspots and also resorting to door-to-door literature distribution to notify constituents without access to connected devices or training on how to use them. Such tools turned out to be essential when communicating information on changing COVID-19 policies. In some cases, municipalities leveraged public works employees to support literature distribution efforts. Municipalities also increased technological capabilities for online meetings and, after noting an increase in attendance and participation, many have kept hybrid options in place.

92% of survey responses reported limiting access to municipal buildings and facilities. Municipal operations in many communities came to a halt at various points in the pandemic, causing building closures, staffing shortages and alternative



work arrangements. The pandemic also forced municipalities to find creative ways to both keep staff safe and support critical operations. Some municipalities responded by dividing staff and creating rotating shifts, allowing staff to keep safe distances. They used American Rescue Plan Funding to provide public works staff with hazard pay. Some staff positions were allowed to telework much of the time. Some cities and towns moved some public services outside of buildings, using outdoor kiosks to facilitate transactions that would typically occur indoors.

As COVID-19 continued to take its toll, municipalities had difficulty with employee retention and well-being. There was an obvious spike in employee mental health and physical health needs. For some municipalities, new employee recruitment became more difficult. Managing benefits for employees who are considered frontline workers and employees who could work from home caused an inequity in employee safety and fairness. Staff also accrued leave balances that could not be used during COVID-19. Municipalities addressed these concerns in diverse ways. In some cases, they partnered with other municipalities to share resources. They supplied their staff with COVID-19 test kits. They utilized funds in accounts that were not in use at the time to offer hiring/retention and employee bonuses and hazard pay. For certain front-line



positions, they increased the minimum pay amount. 75% of survey respondents reported allowing or expanding remote work opportunities.

These staffing shortages also had an impact on community outreach programs. In many instances, food insecurity, language barriers, access to broadband and technology created barriers for some municipalities' ability to offer needed services. Some utilized different outlets to address the needs of their communities. In some cases, microgrant programs were created to try and keep small businesses afloat. Municipalities collaborated with churches and non-profits to distribute goods to community members. Grassroot efforts were revived to distribute food and educate constituents on COVID-19 and provide access to available resources. Hotlines were created to bridge the language gap for non-English speaking residents and ensure access for everyone in many communities.

Overwhelmingly, municipalities reported the need to implement new protocol processes as an outgrowth of the COVID-19 pandemic. Challenges identified included difficulty communicating/coordinating with state and county partners, operating within established procedures and modifying current protocols to fit the new landscape. Municipalities

responded by updating policy manuals for "extended emergency scenarios," allowing flexibility to work within current procedures. Additionally, new policies were implemented to address potential impacts on employees, including long-term physical and mental health effects. Municipalities distributed personal protective equipment (PPE) and offered vaccine bonuses to encourage employees to get vaccinated. In some cases, municipalities provided medical staff to answer staff questions regarding COVID-19 and vaccines to support increased awareness and knowledge.

Overall, municipalities reported the impressive resilience, selflessness, and dedication of their staff to serve their communities through a pandemic. Lessons learned will continue to be identified, ultimately resulting in municipalities better prepared to respond to long-term emergencies like the pandemic in the future. As one participant advised, remember to utilize your municipal neighbors, practice collaboration and learn from both aggregate shortcomings and successes. Municipalities are stronger together.

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MEMBER MOMENTS



NBC Nightly News sets up in Upper Marlboro's Town Hall for their story about Town Clerk John Hoatson's collection of Princess Diana memorabilia during Queen Elizabeth's Platinum Jubilee



Celebrating the 150th Anniversary of the Chartering for the Town of Union Bridge



Upper Marlboro Team with NBC's Andrea Mitchell in Town Hall



MML's 2022 Summer Conference Wrap Up Issue will be the November/December Municipal Maryland -- here's a sneak peek at some MML leaders after a busy last conference day



Upper Marlboro's John Hoatson with NBC News Andrea Mitchell



Introducing Your 2022 – 2023 MML BOARD OF DIRECTORS

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Scott A. Hancock, MML Executive Director

FCC CABLE FRANCHISING: FCC IN-KINDS AND MIXED-USE RULES

Current rules and what happens next?

By BB&K PARTNER GERARD LAVERY LEDERER AND BB&K OF COUNSEL CHERYL A. LEANZA



Over the last few years, the Federal Communications Commission (FCC) has been reinterpreting several key Cable Act provisions that govern cable franchise authority and fees. In 2021, a federal appeals court¹ partially reversed and partially affirmed the FCC's most recent decision,² which redefined the meaning of cable "franchise fees," mandated deductions from those fees in some cases, constrained the actions state and local governments may take inside and outside the cable franchising process, and applied these rulings to both local franchises such as those issued in the state of Maryland and the state-level franchising regimes.³

IN-KIND CONTRIBUTIONS

The FCC's Order required franchising authorities, be they a state or local government, to deduct from franchise fees the fair market value of any "in-kind" obligations imposed by the franchising authority on a cable operator except for build-out and customer service. A common in-kind franchise obligation found in most Maryland franchises requires the cable operator to provide a free connection to every government and school

building. Left unchallenged, this ruling would have been very costly to Maryland communities.

While the Sixth Circuit ruled that cable operators could claim a credit for such in-kind obligations against franchise fees, local governments, including more than a few Maryland municipalities, successfully persuaded the federal court that the value deducted from franchise fees is the incremental cost of the franchise obligations—not the fair market value originally imposed by the FCC. Cable operators, however, are not required to demand offsets and the FCC's ruling directs cable operators and franchise authorities to renegotiate franchise terms to attain compliance, where required, within a reasonable time period. (The FCC estimates this process would typically take 120 days.)

PUBLIC, EDUCATIONAL AND GOVERNMENT (PEG) CAPITAL COSTS

The federal Cable Act permits some fees above the 5% cap on cable franchise fees—in particular, it permits localities to require operators to pay capital costs for PEG facilities, (47 U.S.C. § 542 (g)(2)(C)). Any fee over the 5% franchise fee must,

therefore, be limited to capital costs. The FCC's ruling, upheld by the court, determined that the cost of providing lines that transport PEG signals from studios to cable operators are capital costs and do not count against franchise fees, but the cost of maintaining those lines are not capital costs (so the marginal cost of maintenance would potentially count against the franchise fee).

The FCC also determined that the cost of providing PEG channel capacity on the cable system itself would count as an "in-kind" obligation, which counts against the 5% franchise fee unless that capacity was treated as a capital cost—but the agency deferred any decision on whether the provision of capacity would be exempt as a PEG capital cost.

The FCC may rule on this deferred decision of whether PEG channel capacity is a capital or an operating expense when it opens a docket to amend its rules to reflect the Sixth Circuit's opinion. Maryland communities hoping to benefit from this action should support the finding that it is a capital expense.

MIXED USE RULE & IMPACTS

The FCC codified a "mixed-use" rule stating that "a local franchise authority (LFA) may not regulate the provision of any services other than cable services offered over the cable system of a cable operator." The court criticized the accuracy of this rule, but largely upheld the FCC's analysis, which preempted a broadband access right of way fee adopted by the City of Eugene, Oregon pursuant to Oregon law. The court specifically did not address whether local governments may impose a fee on telecommunications services provided by cable operators.

It remains to be seen what the FCC will do with regard to the Mixed Use rule after the court's decision.

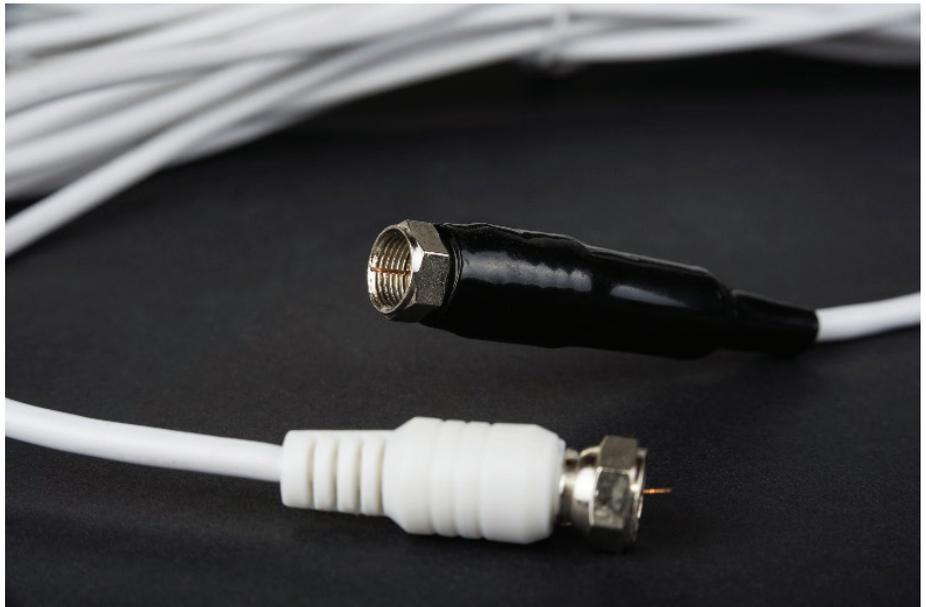
HOW MARYLAND MUNICIPALITIES CAN RESPOND

Now that court review is over, the FCC will be working to implement the decision. In response, Maryland municipalities can take the following steps:

DO NOTHING. Maryland communities are not required to affirmatively raise these issues with cable operators, and status quo is to your advantage. Why initiate changes to the status quo?

Operators must notify franchise authorities if they intend to take offsets and franchise terms must be renegotiated within a reasonable period of time.

Learn the rules! Costs are limited to marginal costs. Seek documentation of any amounts claimed. Do not take the operator's word for it.



The Cable Act (47 U.S.C. § 542(e)) requires that any costs recovered through franchise fee offset (i.e., a reduction in franchise fees) be passed on to subscribers. The mixed use rule gives operators additional incentives to shift revenues to "non-cable" services. This may be a significant issue to monitor in franchise fee audits.

To influence the law and policies that govern local franchising, municipalities across the nation should take advantage of any opportunities to advocate before the FCC as it implements the court's decision.

Because of the changing nature of cable vs. broadband service revenues, courts and state legislatures around the country may be further considering how best to manage and pay for access to local rights of way for communications infrastructure. States



are also considering how or whether to tax digital services and products. For example, Maryland adopted a first-in-the-nation digital advertising gross revenues tax,⁴ which went into effect in January 2022 but has been challenged in federal and state court.⁵ Stay tuned.



About the Authors:

BB&K Of Counsel Cheryl A. Leanza has more than 25 years of experience in communications law and is a widely noted leader in equity in access to communications, she has extensive experience litigating FCC decisions in the federal appellate courts and advocating before the FCC and the U.S. Congress. Cheryl can be reached at cheryl.leanza@bbklaw.com.



BB&K Partner Gerard Lavery Lederer is one of the nation's leading authorities on marketplace solutions for the seamless integration of cable and wireless technology into communities. He advocates for public and private property owners regarding issues of law and policy arising from federal and state communications legislation and regulation. Gerry can be reached at gerard.lederer@bbklaw.com.

BB&K litigated on behalf of a large coalition of local governments, including numerous Maryland communities in the Sixth Circuit Court of Appeals review of the FCC's recent cable franchising ruling.

References:

1 *City of Eugene, Oregon v. Federal Communications Commission*, 998 F.3d 701 (6th Cir. 2021).

2 *Implementation of Section 621(a)(1) of the Cable Communications Policy Act of 1984 as Amended by the Cable Television Consumer Protection and Competition Act of 1992*, MB Docket No. 05-311, Third Report and Order, 34 FCC Rcd. 6844 (2019)

3 *The National Conference of State Legislatures tracks the states that have adopted state wide cable franchises. See <https://www.ncsl.org/research/telecommunications-and-information-technology/statewide-video-franchising-statutes.aspx>*

4 MD. CODE ANN., TAX-GEN. § 75-101 et seq.

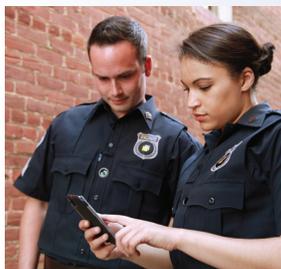
5 *Chamber of Commerce of the United States of America, et al., v. Peter Franchot, et al.* (Civil Action No. 21-cv-00410-LKG); *Comcast of California Maryland Pennsylvania Virginia West Virginia LLC, et al. vs. Comptroller of the Treasury of Maryland* (C-02-CV-21-000509).

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CITY OF ANNAPOLIS

Mayor Gavin Buckley

160 Duke of Gloucester Street
Annapolis, Maryland 21401

October 9, 2022

Dear MML Members:

This year, the City of Annapolis is hosting the Maryland Municipal League's (MML) Fall Conference from October 9 to 11 at the Graduate Hotel. I'd like to encourage municipal leaders from around the state to attend this worthwhile event. While you're here, I hope you'll take in all that our beautiful City of Annapolis has to offer.



Here are a few highlights of our historic City on the banks of the Chesapeake Bay: a culturally rich, historic landscape, a thriving small business community, a world-class maritime and sailing destination, a diverse (and delicious!) foodie scene to rival cities ten times our size, all underpinned by the beautiful views from miles and miles of shoreline. Step out from the conference and take in the sites, grab a bite to eat, watch a sunset from a street-end park, or take a walk in Historic downtown. You're going to love it!

One of my favorite highlights is the United States Naval Academy. While in Annapolis, you will surely see "Mids" out jogging on City streets, and dressed in uniform at local shops and restaurants. These young men and women are driven in academia and will eventually move on to careers as commissioned officers in the United States Navy or United States Marine Corps. If you have an opportunity to take a tour of the Academy grounds, you are likely to see the Brigade of Midshipmen at formation.

I challenge municipal leaders to find a prettier autumn spot in Maryland than Annapolis. My wager is that you'll find that near impossible because your state capital City of Annapolis shines in all seasons!

Cheers!

Gavin Buckley
Mayor of Annapolis



MML FALL CONFERENCE

Sunday through Tuesday

October 9 - 11, 2022

Annapolis

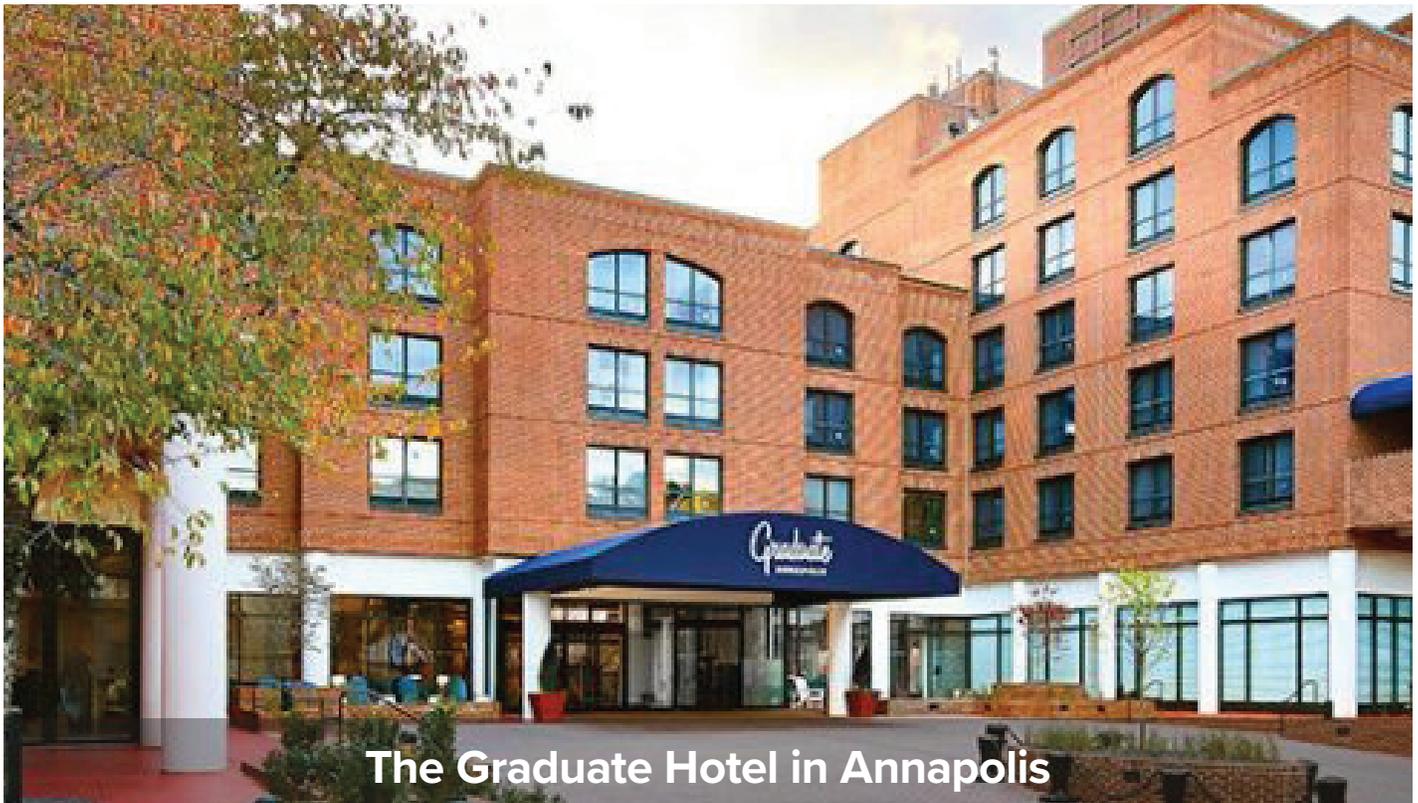
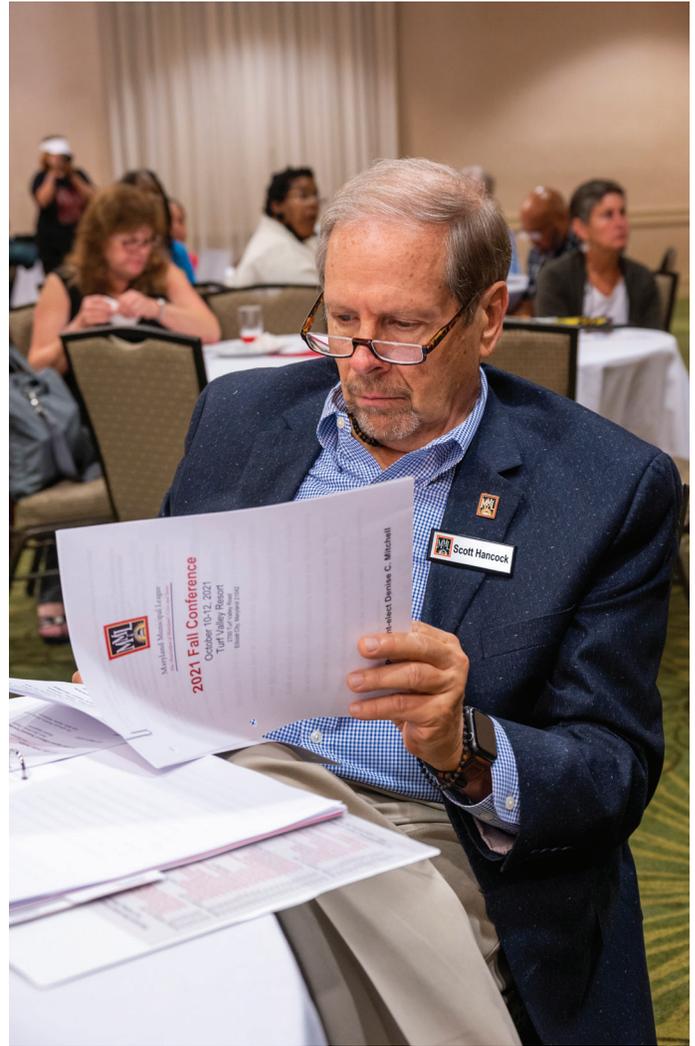
Why You Won't Want to Miss the MML Fall Conference

Sunday through Tuesday — October 9 - 11, 2022

Every four years, MML continues the tradition of holding our Annual Fall Conference in Annapolis to coincide with Maryland's November general election.

This year's conference will be held at the Graduate in Annapolis, located just off West Street and convenient to downtown. While attending the Fall Conference, you'll have the opportunity to participate in workshops, meetings and networking events all while you renew old friendships and meet new connections. You can also take an active role in planning for the future of municipal government in Maryland by participating in the Tuesday morning Annual Membership Meeting when MML discusses and adopts the next year's legislative agenda, as recommended by the MML Legislative Committee.

At this year's conference, we'll also bid a fond farewell to Scott Hancock, MML's Executive Director for the past 27 years. Scott will be retiring in November 2022. Monday evening's Celebration with Food & Friends is a chance to say thanks and wish Scott well in his retirement. Come celebrate with Scott as he transitions into deciding whether to spend his days fishing, boating or taking up golf.



The Graduate Hotel in Annapolis



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&
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CONFERENCE WORKSHOPS AND SPECIAL SESSIONS

This year, you will have the opportunity to attend at least 14 different workshops, forums, and discussion sessions, including three Academy core classes, and several elective classes. The Academy core classes at this year's conference are Structure of Municipal Government, Employment Issues, and Consensus and Team Building. Academy elective workshops will address a variety of issues, all of which are relevant whether you represent a large city or a small town. Potential offerings include educational sessions related to Community Engagement, Economic Development, and Affordable Housing.

On Monday, choose between the Large City and Small Town Forums where you can meet and discuss issues pertinent to cities and towns large and small with colleagues facing similar challenges.

If you are new to your job, you'll want to attend the Orientation for Municipal Officials on Monday, October 10 where you'll learn more about how MML can help you move forward in your new role as a public official.

The MML Board of Directors and District Vice Presidents/Chapter Officers will meet Sunday afternoon, October 9. MML's Legislative Committee and the Maryland Mayors' Association will hold their meetings Monday, October 10. Please refer to the preliminary agenda for specific times.

IMPORTANT REGISTRATION INFORMATION

Register online at www.mdmunicipal.org/fallcon22. **To protect your personal and credit card information, MML cannot accept registrations by fax.**



You can choose your registration package:

- **Full registration includes:** workshops, forums, conference materials, refreshment breaks, one ticket for the Monday Celebration, Monday continental breakfast, general session/legislative issues presentation, Tuesday breakfast and Gubernatorial Candidates lunch.
- **One-day registration includes:**
 - **Monday:** conference materials, refreshment breaks, workshops, forums, and one ticket for the continental breakfast, buffet lunch, Celebration with Food & Friends
 - **Tuesday:** conference materials, refreshment breaks, workshops, breakfast, general session/legislative issues presentation, Gubernatorial Candidates luncheon
- **Additional Options: are separate purchases in addition to registration fees. Use the online registration form to add the following to your registration choice.** Options include^{**}:
 - Additional Monday Continental Breakfast Tickets (spouse/guest)
 - Additional Monday Forum Buffet Tickets
 - Additional Monday Celebration with Food & Friends Tickets (spouse/guest)
 - Additional Tuesday Breakfast Tickets (spouse/guest)
 - Additional Tuesday Gubernatorial Candidates Luncheon Tickets (spouse/guest)

While there is no registration fee for your spouse/companion to attend, this registration type is restricted to persons who are:

- not municipal or public officials
- not affiliated with any exhibitor
- have no professional reason to attend

Important Note: Spouse/companions must be registered by October 3 and purchase meal tickets for any meals they wish to attend. No meal tickets will be sold on site.

**** Options cannot be added on site because meal guarantees have already been given to the hotel and can't be changed.**

You are eligible for the **early registration discount** if you **register by Wednesday, September 14**. *Registration fees and meal tickets will increase in price on September 15.* **Pre-registration closes on Wednesday, September 28.** After September 28, you must register on site.



FIRST TIME ATTENDEE DISCOUNT

If you are a Maryland municipal official who has never been to MML's Fall Conference, you are eligible for a special \$50 registration discount. The first-time discount is **only** valid during online registration.

Prior to beginning the online registration process, you must verify the registrant's first-time eligibility and get the discount code. Please contact MML Registrar Kevin Connors at 800-492-7121 or at registration@mdmunicipal.org for verification and code.

REGISTRATION CHANGES/CANCELLATIONS

All registration changes and cancellations must be made in writing. No telephone changes or cancellations will be accepted. You can submit registration changes or cancellations via e-mail to the conference registrar at registration@mdmunicipal.org. The cancellation fee is \$75; the cancellation deadline is **October 3**, after which no refunds will be issued.

ONSITE REGISTRATION FEES AFTER SEPTEMBER 28

City/Town Official/Employee

Full Registration.....\$560
 One Day Registration.....\$400

Other

Full Registration.....\$610
 One Day Registration.....\$450

Onsite IMPORTANT Note: *On site registrations do not include meals and are not eligible for discounts. No meal tickets are sold onsite.*



IMPORTANT DEADLINES

Hotel Reservations

September 8 by 5:00 pm!

Discounted Pre-registration

September 14

Pre-registration

September 28

Registration Changes/Cancellations – Refund Fee

October 3

DISABILITIES, SPECIAL NEEDS AND DIETARY REQUIREMENTS IMPORTANT INFORMATION

If you have special needs — including dietary, please provide MML with any necessary food accommodations. Please note that special meals must be requested with your registration and the hotel can't accommodate last-minute requests.

Please let the hotel know when you make your reservation if you need special accommodations with your room.

FAMILY ACTIVITIES

Get ideas for things to do in Annapolis on the website www.visitannapolis.org

Don't miss this key Maryland Municipal League event. Mark your calendar and make your reservation now and don't miss the chance to have your voice heard!

The Fall Conference is the next step toward receiving the MML Banner City/Town designation for your municipality!

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FALL CONFERENCE 2022 DRAFT SCHEDULE

The Graduate Hotel - Annapolis, MD

SUNDAY, OCTOBER 9, 2022

- 11 am – 3:30 pm Academy Graduate Workshop: (separate registration for Academy Grads Only)**
- 1:30 – 4:30 pm Registration
- 2:00 – 3:00 pm DVP/Chapter Officers Meeting
- 3:30 – 4:30 pm Board of Directors Meeting
- 5:00 – 6:00 pm Early Bird Reception - for those who arrive Sunday

MONDAY, OCTOBER 10, 2022

- 8:00 – 8:45 am Continental Breakfast Buffet
- 8:00 am – 4:30 pm Registration
- 8:00 – 9:45 am Tabletop Display Set-Up
- 8:45 – 9:45 am Opening General Session/Attorney General Candidates
- 9:45 – 10:15 am Refreshment Break/Visit Tabletops
- 9:45 am – 4:30 pm Tabletop Displays Open
- 10:00 – 11 am Orientation for Municipal Officials (OMO)
- 10:00 – 11 am Legislative Committee Meeting
- 11:15 – Noon Workshop 1
- 11:15 – Noon Workshop 2
- 11:15 – Noon Workshop 3
- Noon – 1:00 pm Lunch Buffets in Forums
- 12:15 – 1:15 pm Small Town Forum
Large City Forum
Exhibitors Buffet
- 1:15 – 3:00 pm Visit Tabletop Exhibits/Refreshment Break
- 1:30 – 3:00 pm Mayors Association Meeting
- 2:00 – 3:00 pm Workshop 4

- 2:30 – 4:30 pm Workshop 5 (Academy Core)
- 3:30 – 4:30 pm Workshop 6
- 5:00 – 7:00 pm Celebration with Food & Friends & Celebrating Scott Hancock's 27 years as MML Executive Director

TUESDAY, OCTOBER 11, 2022

- 8 am – 12:00 pm Tabletop Displays Open
- 8 am – 1:00 pm Registration
- 8:15 – 10:00 am Breakfast/General Membership Meeting /
Legislative Priorities Adoption & SMC Awards
- 10:00 – 10:30 am Break to Visit Tabletop Exhibits
- 10:00 – 11:45 am Workshop 7 (Academy Core)
- 10:30 – 11:30 am Workshop 8
- 10:30 – 11:30 am Workshop 9
- Noon – 1:00 pm Luncheon & Gubernatorial Candidates Forum
- 1:15 – 3:00 pm Workshop 10
- 1:15 – 3:15 pm Workshop 11 (Academy Core)
- 1:15 – 3:00 pm Workshop 12

(E) = Academy Elective class

(C) = Academy Core class

**This is just pricing for the registration online.
Please do not use this instead of the online form.**

REGISTRATION PRICING

Registration Deadline September 28

1. Registration:

Full Registration Fee

**(Includes 1 ticket to Monday & Tuesday Breakfasts,
1 ticket to Monday & Tuesday Lunches,
and 1 ticket to the Monday Celebration)**

	Register by 9/14	Register by 9/28
City/Town Official/Employee	\$475	\$535
(or)		
Other	\$535	\$580

Single Day Registration Fee

(Monday/Tuesday ONLY)

City/Town Official/Employee	\$355	\$380
(or)		
Other	\$375	\$400

If applicable:

Spouse/Guest **(MUST PRE-REGISTER TO GET A BADGE AND PURCHASE EVENT TICKETS)**

Free

Free

*Spouse/companion registration restricted to persons 18+ years old, who are not municipal or public officials, are not affiliated with any exhibitor, and would have no professional reason to attend the summer conference.

2. SELECT OPTIONAL ITEMS BELOW & ADD TO REGISTRATION FEE:

OPTIONS WILL NOT BE SOLD ONSITE IN ANNAPOLIS!

a. Academy Graduate Class (10/9/22) *Academy Graduates ONLY*

\$70

\$85

b. Spouse/Guest Tickets for Social Functions - Must be purchased prior to Sept. 28 using online registration form for attendee!

Sunday Early Bird Reception (for those who arrive Sunday)	\$45	\$60
Monday Celebration with Food & Friends, 10/10/22 each at	\$75	\$85
Monday Breakfast, 10/10/22 each at	\$30	\$35
Monday Lunch, 10/10/22 each at	\$35	\$40
Tuesday Breakfast, 10/11/22 each at	\$30	\$35
Tuesday Lunch, 10/11/22 each at	\$35	\$40

	If you have special needs, including dietary, please describe on the online registration form.	On-site registrations will be available, with no meal tickets.	On-Site Registration Pricing: Full Municipal \$560 1 Day Municipal \$400 Full Other \$610 1 Day Other \$450
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**This is just a sample of the registration online.
Please do not use this instead of the online form.**

2022 MML FALL CONFERENCE HOTEL INFORMATION



The Graduate Hotel - 126 West St Annapolis, MD 21401

Just a short stroll from the U.S. Naval Academy, St. John's College and Chesapeake Bay, The Graduate hotel is located in the heart of the Annapolis Arts District. The hotel website is www.graduatehotels.com/annapolis/. The resort offers a modern restaurant reflecting regional flavors and local influences, along with a lobby-level coffee shop serving breakfast sandwiches and other morning favorites.

MML will hold conference activities in more than 20,000 square feet of meetings space.

Whether you're in town rallying for a Navy win, exploring the town's Historic District or sampling the region's aquatic delicacies, we're here to make your stay memorable. The Graduate's warm, friendly and whip-smart staff will show you the ropes, so that you feel like a local even if it's your first time in Annapolis.

MML's special negotiated room rate is \$135 single/double, queen or king plus 7% occupancy tax (local). The MML rates can be used for two days before and after the Fall Conference to extend your stay, based on availability.

The deadline for reservations is SEPTEMBER 8!

After that, reservations will be accepted based on availability and MML's discounted rates may not apply. The link will no longer be available, so please call the hotel directly with any changes or new reservations.

To make your reservations, click on the special dedicated MML Reservation Link: <https://www.graduatehotels.com/annapolis/#/booking/step-2?group=MML925&arrive=10%2F09%2F2022&depart=10%2F12%2F2022> MML's group code is **MML925**— you'll

need this to make your reservations and get MML's special rates. Follow the instructions to reserve your room or if you wish, call the hotel and make reservations by dialing 844-888-GRAD (4723) and tell them you are with the League.

When making your reservation, you must use a credit card to guarantee your room or the hotel may cancel it. The hotel will honor a state sales tax exemption if a municipal guest qualifies, provide that proper documentation required by the applicable jurisdiction is provided in a timely fashion to substantiate the exemption. All attendees must pay the 7% hotel occupancy and local taxes. Total tax is 13% if you are not tax exempt from the state tax.

If you must cancel your reservation, do so no less than 72 hours before your arrival date and no later than 6 pm to avoid being charged a penalty. Please also be aware that there is an early check-out fee of one night's room and tax.

Hotel Check-in time: 4 pm

Hotel Check-out time: 11 am

Like most city hotels, the Graduate charges for parking. Regular fees are \$28/day to self-park, valet is \$16 for first four hours, then \$20 each additional hour and Valet overnight is \$32. *MML negotiated a 50% off any parking fee in our agreement with the hotel.* All you have to do is tell the hotel bellman or valet that you are part of the MML Fall Conference group to get the lower rate.

Local Governments are Attractive Targets For Hackers and are Ill-Prepared

By RICHARD FORNO, PRINCIPAL LECTURER IN COMPUTER SCIENCE AND ELECTRICAL ENGINEERING, UNIVERSITY OF MARYLAND, BALTIMORE COUNTY

President Joe Biden on March 21, 2022, warned that [Russian cyberattacks on U.S. targets are likely](#), though the government has not identified a specific threat. Biden urged the private sector: “Harden your cyber defenses immediately.”

It is a costly fact of modern life that organizations from [pipelines](#) and [shipping companies](#) to hospitals and any number of private companies are vulnerable to cyberattacks, and the threat of cyberattacks from Russia and other nations makes a bad situation worse. [Individuals](#), too, are at risk from the current threat.

Local governments, like schools and hospitals, are particularly enticing “[soft targets](#)” – organizations that lack the resources to defend themselves against routine cyberattacks, let alone a lengthy cyber conflict. For those attacking such targets, the goal is not necessarily financial reward but disrupting society at the local level.

From issuing business licenses and building permits and collecting taxes to providing emergency services, clean water and waste disposal, the services provided by local governments entail an intimate and ongoing daily relationship with citizens and businesses alike. Disrupting their operations disrupts the

heart of U.S. society by shaking confidence in local government and potentially endangering citizens.

IN THE CROSSHAIRS

Local governments have suffered successful [cyberattacks](#) in recent years. These include attacks on targets ranging from [911 call centers](#) to [public school systems](#). The consequences of a successful cyberattack against local government can [devastating](#).

A cyberattack on the city of Baltimore disrupted municipal services for weeks in 2019.

I and other researchers at University of Maryland, Baltimore County have studied the cybersecurity preparedness of the United States’ over 90,000 local government [entities](#). As part of our analysis, working with the [International City/County Management Association](#), we polled local government chief security officers about their cybersecurity preparedness. The [results](#) are both expected and alarming.

Among other things, the survey [revealed](#) that nearly one-third of U.S. local governments would be unable to tell if they were





A cyberattack on the city of Baltimore disrupted municipal services for weeks in 2019

under attack in cyberspace. This is unsettling; nearly one-third of local governments that did know whether they were under attack reported being attacked hourly, and nearly half at least daily.

ILL-EQUIPPED

Lack of sound IT practices, let alone effective cybersecurity measures, can make successful cyberattacks even more debilitating. Almost half of U.S. local governments reported that their IT policies and procedures were not in line with industry best practices.

In many ways, local governments are no different from private companies in terms of the cybersecurity threats, vulnerabilities and management problems they face. In addition to those shared cybersecurity challenges, where local governments particularly struggle is in hiring and retaining the necessary numbers of qualified IT and cybersecurity staff with wages and workplace cultures that can compare with those of the private sector or federal government.

Additionally, unlike private companies, local governments by their nature are limited by the need to comply with state policies, the political considerations of elected officials and the usual perils of government bureaucracy such as balancing public safety with the community's needs and corporate interests. Challenges like these can hamper effective preparation for, and responses to, cybersecurity problems – especially when it comes to funding. In addition, much of the technology local communities rely on, such as power and water distribution, are subject to the dictates of the private sector, which has its own set of sometimes competing interests.

Large local governments are better positioned to address

cybersecurity concerns than smaller local governments. Unfortunately, like other soft targets in cyberspace, small local governments are much more constrained. This places them at greater risk of successful cyberattacks, including attacks that otherwise might have been [prevented](#). But the necessary, best-practice cybersecurity improvements that smaller cities and towns need often compete with the many other demands on a local community's limited funds and staff attention.

GETTING THE BASICS RIGHT

Whether they are victimized by a war on the other side of the world, a hacktivist group promoting its [message](#) or a criminal group trying to extort payment, local governments in the U.S. are enticing targets. Artificial intelligence hacking tools and vulnerabilities introduced by the spread

of smart devices and the growing interest in creating “Error! Hyperlink reference not valid.” put local governments even more at risk.

There's no quick or foolproof fix to eliminate all cybersecurity problems, but one of the most important steps local governments can take is clear: Implement basic cybersecurity. Emulating the National Institute of Standards and Technology's [national cybersecurity framework](#) or other industry accepted best practices is a good start.

I believe government officials, especially at the local level, should develop and apply the necessary resources and innovative technologies and practices to manage their cybersecurity risks effectively. Otherwise, they should be prepared to face the technical, financial and political consequences of failing to do so.



About the Author: *Richard Forno has received research funding related to cybersecurity from the National Science Foundation (NSF) and the Department of Defense (DOD) during his academic career, and sits on the advisory board of BlindHash, a cybersecurity startup focusing on remedying the password problem. He is the co-author of *Cybersecurity and Local Governments* (2022, Wiley).*

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MMAA PRESIDENT RECEIVES LIFETIME AWARD AND MEMBERS RECEIVE UPDATE ON QUALIFIED IMMUNITY RELATED TO EXCESSIVE FORCE CLAIMS AGAINST POLICE OFFICERS

BY FRANK JOHNSON, DEPUTY CITY ATTORNEY FOR GAITHERSBURG



On May 12, the Maryland Municipal Attorneys Association (MMAA) met at Fisherman's Inn at Kent Narrows for its first in-person lunch meeting since February 2020.

Those attending visited in person with their colleagues, received updates on the qualified immunity defense for police officers facing excessive force claims, and heard from MML staff about the 2022 General Assembly session. Before the presentations, MMAA President Lynn Board, who has served as a municipal leader for MMAA and MML for many years, received a lifetime award from incoming MMAA President Todd Pounds. In presenting her with the plaque commemorating her years of service, MMAA President Pounds highlighted Ms. Board's leadership in building the organization and her consistent willingness to help municipal attorneys.

Following the presentation of Ms. Board's Lifetime Achievement award, Jason Levine, Legal Director of the Local Government Insurance Trust (LGIT), discussed updates to the status of qualified immunity. Mr. Levine serves municipalities in litigation claims on behalf of LGIT. Since qualified immunity is intended to protect the personal assets of police officers involved in federal Section 1983 civil rights claims, qualified immunity does not apply to excessive force claims brought in Maryland courts under state law, where officers would be immune from personal liability for non-intentional acts which do not show actual malice. Federal qualified immunity specifically provides police officers with immunity from certain claims against them personally, including claims of excessive force where there is no constitutional law violation or, if such a violation did occur, it was not clearly intended.

Police operations have undergone a national reformation over the last few years, including an attempt to limit the reach of qualified immunity. There has been some legislative effort to change application of the law in order to retain some measure of personal protection for officers but impose extra costs on the police department or government agency conducting the hiring, no legislation has passed to enact that change. As a result, the application of qualified immunity is a creature of federal courts, controlled primarily by Supreme Court decisions – which have generally supported the continuation of qualified immunity for individual officers, but often reverse Circuit Court of Appeals decisions to the contrary.

The general thrust of the federal court cases involve claims that a police officer intentionally committed an attack against persons or committed gross negligence in allowing persons to be otherwise harmed. In many cases, the District Court dismisses the overall complaint against the officer, often granting summary judgment based on a finding that qualified immunity applies and shields the officer from personal liability. On appeal, many Circuit Courts of Appeal, especially the Ninth Circuit, will reverse the lower court's decision, often with limited analysis of the specific facts but finding that overall, their own circuit

court precedents specify that qualified immunity should not apply. When cases reach the Supreme Court, however, such Circuit Court decisions are often reversed. This reflects a serious conflict between many intermediate Circuit Courts and the Supreme Court. In these cases, Circuit Courts will recognize the Supreme Court's prior rulings that qualified immunity should apply, but will refuse to do so, instead holding that the defense does not apply. Most lower court decisions are never reviewed by the Supreme Court, thus the Circuit Court decision is often, as a practical matter, the final decision.

A series of recent cases from the Eleventh, Tenth, Ninth and Fourth Circuit Courts of Appeals reversed District Court dismissals, finding excessive force or reckless disregard. In each case, the Supreme Court reversed the Circuit Court decisions, finding the Circuit Court failed to undertake the necessary factual analysis of the actual events or, as Fourth Circuit Judge Wilkinson stated in a recent dissent, to "appreciate what officers in the field may face when confronting instances of violent crime." This trend will likely continue, with Circuit Courts eliminating qualified immunity and the Supreme Court reinstating it.

Next, members received a General Assembly legislative update from Bill Jorch and Jim Peck from MML. MML's first priority of the 2022 session was the Highway User Revenue bill, which was signed into law by Governor Hogan on May 12. This new law increases future annual funds, currently totaling \$39 million annually. Municipalities will peak at about \$60 million in Fiscal Year 26, then stabilize at around \$48 million annually in Fiscal Year 28 and beyond. MML's second priority aimed to address the authority to establish police accountability boards. At this time, municipalities do not have their own municipal police accountability boards; instead, municipal police forces are included within the county police accountability boards without clear municipal involvement or a clear municipal presence on the board itself. Legislative leaders were not willing to support changes this year but may be willing to revisit the issue next year.

Other notable legislation includes a climate

protection bill, which will require reductions in carbon emissions but should have a minor municipal impact, except when new buildings are constructed. The bill codifying the State Subdivision Agreement on the Opioid litigation was also approved. The agreement will allow some funding to go directly to certain participating municipalities, creates a restoration fund, and provides for some discretionary grant funding for municipal programs. A minor Open Meetings Act bill passed, which will require notices and the chair's statement regarding a closed meeting to be kept for 3 years, rather than only 1 year, and to the extent practicable, placed on the municipal websites. Many bills were filed this year concerning municipal elections, which have traditionally been considered under the control of municipalities. Such bills, like those requiring districting, did not pass this year but may be indicative of future efforts to control municipal elections. Finally, legislation was approved to increase funding for cyber-security protection and establish a workgroup to focus on advertising requirements related to the constant yield tax rate.

President Pounds announced that MMAA's next quarterly meeting will be held at the MML Summer Convention in Ocean City on Monday, June 13. I will plan to offer a brief report on that meeting, and if anyone has any questions before then, you can contact me at frank.johnson@gaitthersburgmd.gov.



Author Frank Johnson is Deputy City Attorney for Gaithersburg, Maryland and Secretary of the Maryland Municipal Attorneys Association.

UPCOMING

events & meetings

events

MARYLAND MUNICIPAL LEAGUE • (410) 295-9100 SUMMER CONFERENCE

June 25-28 2023 • Ocean City Convention Center

FALL CONFERENCE

October 9-11, 2022 • Graduate Hotel, Annapolis

NATIONAL LEAGUE OF CITIES • (202) 626-3105 CITY SUMMIT

November 16-19, 2022 • Kansas City, MO

November 15-18, 2023 • Atlanta, GA

November 13-16, 2024 • Tampa, FL

CONGRESSIONAL CITIES CONFERENCE

March 12-15, 2023 • Washington, DC

March 17-20, 2024 • Washington, DC

INTERNATIONAL CITY/COUNTY MANAGEMENT ASSOCIATION • (202) 962-3540

September 18-21, 2022 • Columbus, OH

October 1-4, 2023 • Austin, TX

September 22-25, 2024 • Pittsburgh, PA

October 26-29, 2025 • Tampa, FL

October 18-21, 2026 • Long Beach, CA

meetings

MEETINGS

July 2022

18 Municipal Parks and Recreation Department *Hybrid Meeting*, Gaithersburg

21 Cecil-Harford Chapter, Charlestown

25 Washington Chapter, Williamsport

August 2022

17 Allegany/Garrett Chapter, Lonaconing

25 Frederick Chapter, Middletown

September 2022

10 Board of Directors Meeting, Chesapeake Beach

14 Southern Maryland Chapter

15 Carroll Chapter

15 Montgomery Chapter Meeting

15 Prince George's Chapter

26 Washington Chapter, Keedysville

WEBSITE OF THE MONTH

American Planning Association (APA)

Land use and community planning are central to what municipalities do, and few organizations offer more in the way of resources than the American Planning Association (APA): <https://www.planning.org/>. Whether you're looking for information on green communities, zoning best practices, or disaster recovery, APA has guidance to help your town plan wisely.



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