

## State and Local Government Law

Spring 2021

Credits: 3

Time: 10:30 a.m. – 11:50 a.m. Mon/Wed

Location: Remote/Distance Learning

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### Overview and Learning Objectives:

While much of law school focuses on federal law, state and local law affects people more directly and concretely. States and local governments have substantial law-making and regulatory authority in areas as diverse as education policy, civil rights, tax law, land use and environmental issues. States and local governments are also responsible for the financing and provision of most public services, and are the locus of much political participation by voters. Furthermore, with the federal government locked in legislative gridlock, local and state governments are taking the lead and legislating in innovative ways on topics ranging from marijuana legalization to renewable energy.

This course examines both the law governing the powers of states and local governments and the actual content of state and local laws and policy, *with a focus on the laws governing the relationship between state and local governments*. The objectives of the course are to: (1) gain a foundation in the substantive doctrinal law underlying state and local government operations and decisions; (2) to develop an understanding the political, ethical and policy issues related to the subject matter; and (3) integrate the doctrinal study of the subject matter with the analytical and practical skills necessary to the practice of law. Classes will be a combination of primarily synchronous/live classes involving lecture and interactive discussion, as well as some pre-recorded/asynchronous class sessions and other remote learning activities.

**Spring 2021 - Distance Learning:** Due to the changing nature of COVID-19 pandemic, please note that the instructor may need to make modifications to the course syllabus and may do so at any time. Such modifications may includes changes to the mode of assessment for the course. Notice of such changes will be announced as quickly as possible via the course website and/or email. See below for more information on distance learning, technology protocols, and the anticipated schedule. *Flexibility will be essential as we go through the semester – I greatly appreciate your patience and understanding as we navigate these uncertain times together!*

**Class Materials:** Students are responsible for all required assignments listed on the schedule of assignments below, whether in the casebook or other required readings/assigned materials posted on the course website as required supplemental reading.

- **Required Casebook:** The required casebook is Richard Briffault and Laurie Reynolds, *Cases and Materials on State and Local Government Law* (West, 8<sup>th</sup> ed. 2016). The casebook (new or used) is available for both purchase and rental from the publisher

and third parties. Students should always have the casebook with them during class unless otherwise instructed.

- **Note about notes in the casebook:** The assigned material in the casebook includes both principal cases and accompanying notes. The casebook authors often include fairly substantial discussions (i.e., more than just a one-sentence parenthetical or string cite) about relevant, non-principal cases in the notes accompanying the principal cases. Because of time constraints, we will not be able to cover every note in our in-class discussion, but where the notes discuss non-principal cases in substantial detail, *those will generally be included as part of our in-class discussion and students should be prepared to discuss the cases mentioned in the notes and how they relate to the legal doctrines raised by the principal case* (as an example, see the discussion of *Kiryas Joel* in Note 3 on pg. 89).
- **Required supplemental readings/assigned materials:** Additional cases and other materials are assigned from time to time (see schedule of assignments below. When assigned, these will be posted under the “Supplemental Required Reading” tab on the course website.
- **PowerPoint slides:** There are PowerPoint presentations corresponding to each chapter we cover in the casebook/required supplement, which we will use to guide our live class sessions. (The Powerpoints are organized by chapters in the casebook, so the same set of Powerpoints may be utilized for multiple chapters, since we spend multiple classes working through each chapter). All PowerPoints will be posted in advance of the class(es) they will be used in on Blackboard under the “Powerpoints” tab.
- **Handouts:** Occasionally, handouts on particular topics will be used during class or provided for students as reference after class. Any such handouts will be posted on Blackboard under the “Handouts” tab.
- **Remote learning activities/assignments:** From time to time, remote learning activities/assignments may be assigned. These assignments vary but may include one or more remote learning activities, such as worksheets/questionnaires; statutory exercises/quizzes; discussion posts; practice hypos. When assigned, these assignments are ungraded but mandatory and are considered as part of the participation component of the course (see “Participation” below). Repeated failure to complete remote learning activities/assignments in good faith and on time will be considered a lack of preparation and result in a deduction to your final grade. (The schedule of assignments below lists “TBA” under most modules for remote learning activities, since I do not know at the outset of the semester which modules may lend themselves to remote learning activities. If any remote learning activities are assigned, students will be notified a week in advance of the due date and the syllabus will be updated accordingly.)
- **Optional Materials:** The schedule of assignments below also lists “optional materials” from time to time. These are entirely optional materials: we will not cover these materials in class and students will not be tested on them. The optional materials vary, and includes materials such as full-length books, movies, newspaper articles, Youtube clips, and a variety of other sources. Links to some of the sources are posted on BB under the “Optional Materials” tab (such as podcasts, Youtube clips, etc.); others are simply listed for student reference on the syllabus (i.e., full length books or movies). The optional materials are offered to illustrate additional points of view or offer a more in-depth look

into issues we cover, and they are just a sampling of the multitude of sources related to these topics. I may occasionally notify students of additional optional materials related to current events that occur during the Spring 2021 semester related to the course; these will also be posted under the “Optional Materials” tab. I am happy to discuss any particular optional material one-on-one outside of class or during office hours, but as noted above, optional materials will not be part of the class discussion and they will not be tested.

- **Guest speakers:** On occasion, and pending availability, outside guest speakers may be invited to speak (remotely) to the class. If any such speakers are scheduled, the schedule below may be modified to accommodate the guest speakers. If any such modifications are needed, students will be notified via announcement on Blackboard/email and an updated syllabus showing the modifications will be posted under the “Syllabus” tab on Blackboard.

### **Course Technology:**

- **Zoom:** All live (remote) class sessions will be conducted via Zoom. See the “Policies and Protocols for Live Remote Class Sessions” at the end of this document for important information regarding technology and policies for Zoom class sessions (and for the link/meeting ID we will use for all live classes).
- **Blackboard:** The class website is hosted on the **UH Blackboard** system (<http://www.uh.edu/blackboard/>). The course website is where I will post all announcements relating to the class, as well as the links to all pre-recorded class sessions and links to live class session recordings, all required supplemental readings, weekly mandatory quizzes, class handouts, Powerpoints, and the like. Please access the class website early in the semester and regularly check it.
- **UH E-Mail:** Email communications related to this course will be sent to will be sent to your [Exchange email account](#) which each University of Houston student receives (which is also the email that links to the course Blackboard page). Please regularly check this email account. The Exchange mail server can be accessed via Outlook, which provides a single location for organizing and managing day-to-day information, from email and calendars to contacts and task lists. Exchange email accounts can be accessed by logging into Office 365 with your Cougarnet credentials or through Access UH. Additional assistance can be found at the [Get Help](#) page.

**Reserve books at UHLC Library:** A hard copy of the required casebook for the course is available on reserve at the UHLC Library. However, due to the unknowns around library access and book circulation for the 2020-21 academic year due to COVID-19, there may be limitations on the ability of students to utilize physical reserve copies of course books. The library staff have worked diligently put in place a system to make electronic versions of reserve materials available when possible on short-term reserve loans to students, but please keep in mind that reserve materials may not be as readily available this semester as they normally would be. Students with questions about library resources and availability of books on reserve should contact the library (see <http://www.law.uh.edu/libraries/covid19.asp> for information about phone and chat contact options).

**Assessment Method:** The final grade will be primarily based on a take-home, open book final exam consisting of essay questions. Students will have 8 hours to complete the exam, although it

will be designed to take less time. There will be a designated 3-day window in which students may take the exam, from 12:01 am on Tues. May 11 to 11:59 p.m. on Thurs. May 13; regardless of when during the 3-day window you download the exam, you must upload your answers no more than 8 hours after you download the exam and by 11:59 p.m. on Thurs. May 13 at the latest. Final grades may be modified up or down by one-third of a letter grade based on class participation (see “Participation” below). Additional information regarding the exam format, word limit, and content will be provided during the semester, including practice exam questions/answer rubrics/model answers).

**Class Format and Schedule:** Due to the COVID-19 pandemic, we will be meeting in a distance learning (remote) format. The anticipated format will be a combination of primarily live class sessions, as well as some asynchronous/pre-recorded class sessions and/or other remote learning activities. The anticipated format for each is described in more detail below:

- Live/synchronous classes:
  - The class will primarily be conducted via live/synchronous class sessions, which will be a combination of class discussion, lectures, small group exercises (via breakout rooms on Zoom), and other learning modalities
  - All live (remote) class sessions will be conducted via Zoom. Additional information regarding policies and technology protocols for live classes is provided below under “Policies and Protocols for Live Remote Class Sessions.”
  - All live class sessions will be recorded, per the UH policy (see below). Links to the recordings will be posted on the course website under the “Live Zoom class recordings” tab shortly after class ends.
  - If a live class session must be cancelled because of unforeseen circumstances, a make-up class session will be scheduled, consistent with the Law Center’s policies.
- Asynchronous/pre-recorded classes and other remote learning activities:
  - Depending on the class pace and learning needs, some live/synchronous class sessions (or portions of sessions) may be replaced with asynchronous/pre-recorded lectures and/or remote learning activities.
  - If assigned, pre-recorded lectures will be divided into individual 10-20 minute recordings by sub-topic (multiple 10-20 minute recordings may be assigned on a particular topic); individual links to any pre-recorded lectures will be posted on the course website under the “Asynchronous Lectures” tab at least one week in advance of the live class session in which the materials will be discussed. *Students should complete the assigned reading for the week prior to watching the pre-recorded lectures: just as with traditional in-class lectures, the pre-recorded lectures are conducted with the understanding that the students have already read the material being covered in the recorded lecture.*
  - When assigned, the time commitment for any asynchronous/pre-recorded lectures will be calibrated to ensure that the total amount of time required to complete reviewing these materials is reflected in a reduction in time allotted to live/synchronous lectures for that week. The schedule of assignments below lists “TBA” under most modules for pre-recorded lectures, since I do not know at the outset of the semester which modules may have pre-recorded lectures assigned to

them. If any pre-recorded lectures are assigned, students will be notified a week in advance and the syllabus will be updated accordingly.

**Participation:** Live/synchronous classes will be a combination of lecture and discussion. Students are expected to be prepared for every class, which includes: presenting cases; responding to prompts/questions that were raised in pre-recorded lectures or remote learning assignments or during our in-class discussions; analyzing material in the notes and problems in the casebook; analysis/discussion of any required supplemental materials (if assigned). Because of time limitations, we will not always cover every problem or note in the assigned materials during live classes, but students are responsible for all assigned materials for purposes of the exam. Thus, if you have questions about assigned material that we did not have time to cover in class, please either raise the question during class or office hours or via email.

- **On-call system:** For purposes of class discussion, we will utilize two on-call groups. Students have been divided into two on-call groups alphabetically by last name. **On-call Group 1 (students with last names A - H)\* is on call on Mondays, and on-call Group 2 (students with last names I - Z)\* is on call on Wednesdays** [\*subject to adjustment if enrollment changes during the add/drop period to ensure the number of students in each group is approximately equal]. Note that all students/both groups are on-call for the first class (Wed. Jan. 20) and for the final two classes in the last week of the semester (i.e., Mon. Apr. 26 and Wed. Apr. 28). Students who are not on call are always welcome to volunteer or ask questions. See “pass system” below for opting out of being on-call.
- **Pass system:** If you are unprepared to be called on for a class session, you may utilize “pass” up to three times over the course of the semester. To utilize a pass, you must email me by 10:00 a.m. on the day of the class you are passing. If you exceed three passes, it will be considered a lack of preparation and result in a deduction to your final grade.
- **Course Structure:** At the end of this document, a schedule of assignments of the topics to be covered during the semester is provided. *Please note that the schedule is subject to adjustment to account for the pace of class and unforeseen circumstances* (i.e., professor illness, extreme weather event, the evolving nature of the global pandemic, etc.). If there are any changes to the schedule, students will be given advance notice of changes by email and/or announcement posted to the course website. *Students should regularly check the updated version of this document (link posted on Blackboard under “Syllabus” tab) for the most current version of the syllabus schedule.*
- **Leftover material:** If we do not finish covering the assigned material for a particular class, we may start the next class with the leftover material before moving onto the current class's assignment; students should be prepared to discuss the leftover material if such a situation arises. Alternately, depending on the complexity of leftover material and timing constraints, I may notify students that a short supplemental recorded lecture wrapping up the material has been posted on the course website, which will wrap up the material and which students will be responsible for reviewing as part of the assigned materials.
- **Participation component to final grades:** Final grades may be modified up or down by one-third of a letter grade (i.e., from a B to a B+ or A to A-) based on class participation. The decision to lower a grade for participation is at my discretion and may result from exceeding the pass limit, or from a combination of unpreparedness or inattention in class, inappropriate use of technology, failure to regularly complete assigned remote learning

assignments in a good faith timely manner, or repeated lateness and absences. In exceptional circumstances, students may have their grade raised by one-third of a letter grade.

**Attendance:** Attendance for each synchronous session will be taken through an online sign-in process using [this link to Google Forms](#) (this link is also posted on Blackboard under the “Announcements” tab). At the start of each class session, I will assign a password for the day. Students should enter their last name and the password for the day on the Google form. The Google form attendance sheet will be closed 10 minutes after class ends; if you attend class but miss signing in or make a mistake in doing so, please notify me promptly. Students do **not** need to email me in advance if you will be absent. For asynchronous recorded lectures, I will take attendance by tracking whether you have accessed the video. UHLC policy requires students to attend at least 80% of class meetings; excessive absences (absent extenuating circumstances) will be considered a lack of preparation and result in a deduction to your final grade.

### **Office Hours:**

Office hours will be held virtually on Wednesdays from 12:00 – 1:30 p.m. via Zoom. The Zoom link to office hours is [here](#) (Meeting ID 968 4980 2906). This link is also posted on Blackboard under the “Announcements” tab (note that this is a different Zoom link that the one for live classes). To minimize waiting time, students who would like to drop in to office hours should sign-up in advance for a 15-minute timeslot prior to the start of office hours using [this Doodle link](#) (this link is also posted on Blackboard under the “Announcements” tab, along with the Zoom link). I will also use Zoom’s “waiting room” function, which will allow me to see one student at a time.

If you are unable to attend my regularly scheduled office offices, I am also available for remote office hours at other times by appointment; if you would like to meet at another time, please just email me and I’d be happy to schedule an alternate time to meet.

If office hours need to be rescheduled for a particular week, students will be notified in advance.

**Accommodation:** UHLC is committed to ensuring that all students enjoy equal access and full participation. If you have a disability and require an accommodation, please contact the Center for Students with DisABILITIES. If you require any support services, you may contact Ms. Samantha Ary, Academic Records Coordinator. Ms. Ary is located in room 44A TU-II in the Office of Student Services suite, and she can be reached at [sary@central.uh.edu](mailto:sary@central.uh.edu) or 713-743-7466. *Requests for accommodation that involve graded assignments must be directed to Ms. Ary and should be made as soon as possible to allow adequate time to document and to process the request.*

**Chosen Names/Preferred Pronouns:** I use first names when calling on students and I will honor requests to use alternate/preferred names or gender pronouns. If you wish me to do so, please advise me of your preference early in the semester so that I may make appropriate changes to my records.

**Counseling and Psychological Services:** Counseling and Psychological Services (CAPS) can help students who are having difficulties managing stress, adjusting to the demands of a

professional program, or feeling sad and hopeless. You can reach CAPS ([www.uh.edu/caps](http://www.uh.edu/caps)) by calling 713-743-5454 during and after business hours for routine appointments or if you or someone you know is in crisis. No appointment is necessary for the “Let's Talk” program, which offers a (virtual) drop-in consultation service at convenient hours around campus. [http://www.uh.edu/caps/outreach/lets\\_talk.html](http://www.uh.edu/caps/outreach/lets_talk.html). The Texas Lawyers' Assistance Program (“TLAP”) also supports law students who are dealing with stress, anxiety, depression, substance abuse, and other mental health problems. You can reach TLAP at any time at 1-800-343-8527. TLAP's website includes a page with links to sources about mental health that are of interest to law students: <https://www.tlaphelps.org/law-students>.

**Other Support Services:** Law school can be a challenging experience, and on top of that, we are in an economic depression and a global health crisis. In addition to the resources above, there are other resources on campus to help. If you find yourself food insecure, housing insecure, or in need of mental health or other services, the University has other free resources for students available here: <https://www.uh.edu/dsaes/coogscare/>.

**Discrimination and Sexual Misconduct Policy:** The University is committed to maintaining and strengthening an educational, working and living environment where students, faculty, staff, and visitors are free from discrimination and sexual misconduct. If you have experienced an incident of discrimination or sexual misconduct, there is a confidential reporting process available to you. Please be aware that under the sexual misconduct policy, SAM 01.D.08, faculty are required to report to the University any information received regarding sexual misconduct as defined in the policy. Please note that the reporting obligations under the sexual misconduct policy reach to employees and students. Also, as a required reporting party, Law Center employees and faculty members are not a confidential resource. For more information, please refer to the University system's Anti-Discrimination Policy SAM 01.D.07 and Sexual Misconduct Policy SAM 01.D.08, available here: <http://www.uhsystem.edu/compliance-ethics/uhs-policies/sams/01-general-information/index.php>  
<http://www.uhsystem.edu/compliance-ethics/docs/sam/01/1d7.pdf> (antidiscrimination) <http://www.uhsystem.edu/compliance-ethics/docs/sam/01/1d8.pdf> (sexual misconduct)

**Diversity and Inclusion:** The University of Houston embraces diversity and recognizes our responsibility to foster an open, welcoming environment where students, faculty and staff of all backgrounds can collaboratively learn, work and serve. We value the academic, social, and broader community benefits that arise from a diverse campus and are committed to equity, inclusion and accountability. Diversity enriches our university community and is a driving force instrumental to our institutional success and fulfillment of the university's mission. We commit to engaging in an ongoing dialogue to thoughtfully respond to the changing realities of our increasingly interconnected world. We will continually strive to work together to address the challenges of the future in a way that removes barriers to success and promotes a culture of inclusivity, compassion and mutual respect. The competencies gained through diverse experiences across campus prepare all of our students, staff and faculty to thrive personally and professionally in a global society. If you feel like your class performance is impacted by your experiences inside or outside of class, please reach out to me. If you feel more comfortable speaking with someone else, Student Services is an excellent resource: 713-743-2182. Students

may also bring any issues negatively impacting UHLC's openness to diversity and inclusion to the Law Center's Diversity and Inclusion committee. The D&I committee's charge includes "[building] on the Law Center's strengths as a diverse and inclusive environment." You can contact the committee directly at [UHLCD&I@uh.edu](mailto:UHLCD&I@uh.edu).

### **ABA Standard 306 Distance Education**

ABA Standard 306 sets out the parameters for earning credit for study offered through distance education and provides that "A law school may award credit for distance education . . . if: (1) there is ample interaction with the instructor and other students both inside and outside the formal structure of the course throughout its duration; and (2) there is ample monitoring of student effort and accomplishment as the course progresses." The ABA has approved a waiver request from UHLC for the academic year of Fall 2020 and Spring 2021, which provides for an "emergency variance to exempt from the credit limits on distance education (currently set forth in Standard 306(e)) credits earned in courses offered through distance education during the COVID-19 emergency."

This course satisfies ABA Standard 306 by providing regular interaction between instructor and students both in and outside of the formal structure of the course for its duration through weekly synchronous classes, asynchronous assignments, and office hours, and provides ample monitoring of student effort and accomplishment as the course progresses through weekly discussions, participation component to the final grade, and the final exam.

**Honor Code:** The Honor Code applies to all aspects of this class. *Students are responsible for knowing all Honor Code provisions and for complying with the Honor Code.* Students may be asked to sign an honor code statement as part of their submission of any graded work including but not limited to projects, quizzes, and exams: "I understand and agree to abide by the provisions in the [Law Center Honor Code](#). I understand that academic honesty is taken very seriously and, in the cases of violations, penalties may include suspension or expulsion from the University of Houston." Please ask if you have any questions regarding how the Honor Code's provisions apply to specific activities or situations in the course.

### **Other Information:**

- COVID-19 Updates: <https://uh.edu/covid-19/>
- Coogs Care: <https://www.uh.edu/dsaes/coogscare/>
- Laptop Checkout Requests: <https://www.uh.edu/infotech/about/planning/offcampus/index.php#do-you-need-a-laptop>
- Health FAQs: <https://uh.edu/covid-19/faq/health-wellness-prevention-faqs/>
- Student Health Center: <https://uh.edu/class/english/lcc/current-students/student-healthcenter/index.php>

**["Policies and Protocols for Live Remote Class Sessions" and the "Schedule of Assignments" are on the following pages]**



## **Policies and Protocols for Live Remote Class Sessions**

- **UH Remote-Learning Resources:** The University of Houston is committed to student success, and provides information to optimize the online learning experience through our [Power-On](#) website remote-learning website for students, <https://uh.edu/online/students/remote-learning/index>, which has links to resources on remote-learning tools and tips, internet access, and assistance contacts. Please visit this website for a comprehensive set of resources, tools, and tips including: obtaining access to the internet, AccessUH, and Blackboard; requesting a laptop through the Laptop Loaner Program; using your smartphone as a webcam; and downloading Microsoft Office 365 at no cost. UH also offers a remote-learning planning guide for students at <https://uh.edu/infotech/about/planning/off-campus/students/>. For questions or assistance contact [UHOnline@uh.edu](mailto:UHOnline@uh.edu).
- **Zoom:** All distance learning classes in this course will be conducted using the Zoom platform. To facilitate a robust remote learning environment and legal professionalism, the following policies apply to students participating in distance education:
- **Before the Zoom class session:**
  - We will use a recurring Zoom meeting room for synchronous classes, with the same URL and password for the entire semester. I will distribute the Zoom meeting password by email before our first class session. Please do not share our Zoom meeting password outside this class.
    - **Join Zoom Meeting:**  
<https://uhlc.zoom.us/j/98641930380?pwd=bVBLcHlGNXBQb1JnY2t6RjVSU1Q5UT09>
    - **Meeting ID:** 986 4193 0380
  - **Technology requirements:** You must be connected to the Zoom session at the starting time of our live class sessions (i.e., 10:30 a.m. on Mondays & Wednesdays). If you are unfamiliar with Zoom, please review the UH remote-learning resources above and familiarize yourself with the Zoom website interface/Zoom app interface prior to the start of the semester. Your computer must have a working video camera and quality audio capability, and you should minimize distractions from other activities during the Zoom session. Unless there are extenuating circumstances, students should not join the Zoom session using dial-in by phone: many of the Zoom capabilities are limited or not available at all for participants joining by phone. If extenuating circumstances require that you join by phone, you should email me prior to class (or as soon as possible thereafter, if technological issues make it impossible to do so before the start of class).
  - **Identification:** When you join the Zoom meeting, you must identify yourself in Zoom by “Preferred first name Last name.”
  - **Video:** Students are expected to join class sessions using video, which facilitates class engagement. If you have extenuating circumstances that necessitate joining by audio only for a particular class session, you must email me prior to class to notify me.

- Professionalism: Recognizing that individual circumstances of remote learning from home or other non-classroom locations may mean there may be an occasional guest appearance by a family member, or pet, or other on-camera interruption, please try to minimize interruptions. Please maintain a professional presence on camera by presenting your face and upper body area professionally in the video stream. Zoom offers the option to set up an automated background, which you are welcome to use, but please keep it professional. Drinking water/beverages occasionally on camera during the Zoom session is fine, but please avoid eating on camera as it can be distracting to other participants and does not present professionally.
- **During the Zoom class session:**
  - Mute/unmute function: Students will be automatically muted upon entry to Zoom session. When called on, students should manage their “mute button” to unmute themselves, and after finishing speaking, re-mute themselves. When you are speaking, please speak loudly and clearly. If you anticipate background noise during the Zoom session, please utilize headphones (no expensive equipment should be required: generic smartphone headphones are typically adequate).
  - Raise hand function: Students should use the raise hand function on Zoom if they have a question (find this icon by clicking on “Participants” at the bottom of the Zoom screen; a list of participants will then appear on the right side of the screen with your name, as well as a list of functions, including “raise hand”). I will check for blue hand icons during topic breaks/pauses in our discussions (which may be a few minutes after you’ve raised your hand), so please keep your “raise hand” icon raised until I’ve called on you. Please select the “lower hand” icon after you’ve been called on. Note that there may be times where the class pace requires that we move forward and not have time for all questions; in such a situation, if you have any unanswered questions, please either stay on Zoom after class ends (see below) or email me your question and I will respond after class.
  - Chat function: Because I cannot moderate the chat function simultaneously while teaching and facilitating student discussion (and we do not have a TA to serve as a chat monitor in this class), please limit your use of the chat function. If you have questions, please use the “raise hand” function instead.
- **After the Zoom class session:**
  - Post-class Q&A: I will remain on the Zoom meeting for several minutes after the class session ends to respond to any lingering questions individual student(s) may have. These post-class Q&A sessions will be recorded as part of the recording of that day’s class session. However, if you would like to speak with me privately after class, I can use the Zoom breakout room feature to communicate with you. (Students can also send post-class questions via email or during office hours as well).
- **Video recording of classes:** Per UHLC policy (below), all class sessions will be recorded.
  - *Recordings posted to Blackboard*: As noted below, all classes are recorded per UH policy. Zoom generates recordings of sessions after the live session and a link to the recording of every class session will be posted on BB (under the “Class Recordings” tab) shortly after class ends (occasionally there may be technology

slowdowns, in which case the link to the recording will be posted once it has been generated). To promote accessibility for all users, the Zoom cloud recording includes an audio transcript that captions the audio of the session.

- *UHLC recording policy*: The Law Center will record class sessions with audio and video for the sole and limited educational purpose of allowing students to stream the recorded sessions for review or to enable students who missed a class to hear the class presentation. Any recordings created will be deleted and destroyed shortly after the final exam for the class. There is a chance that your contributions to class discussion, whether voluntary or while on call, may be included in the recording. Your continued registration in this class indicates your acquiescence to any such incidental recording for the purposes described above.
- *Recording of Class*: Per UH policy, students may not record all or part of class, livestream all or part of class, or make/distribute screen captures, without advanced written consent of the instructor. If you have or think you may have a disability such that you need to record class-related activities, please contact the [Center for Students with DisABILITIES](#). If you have an accommodation to record class-related activities, those recordings may not be shared with any other student, whether in this course or not, or with any other person or on any other platform. As noted above, per UHLC policy, classes will be recorded by the instructor via Zoom. Students may use instructor's recordings for their own studying and notetaking. Instructor's recordings are not authorized to be shared with *anyone* without the prior written approval of the instructor. Failure to comply with requirements regarding recordings will result in a disciplinary referral to the Dean of Students Office and may result in disciplinary action.

**["Schedule of Assignments" follows on the following pages]**

## Schedule of Assignments

**Course Structure:** Below is an outline of the topics to be covered during the semester. Anticipate that the coverage will be approximately 25-35 pages per class. Note that in addition to reading from the casebook, supplemental material will be posted during the semester on the course website (Blackboard) that students are responsible for.

- Under the “**Readings**” heading for each module, the following abbreviations are used:
  - “**Casebook**” refers to the Briffault & Reynolds State & Local Gov’t Law (8<sup>th</sup> ed. 2016) textbook.
  - “**Supp**” refers to **required** supplemental readings (cases or other materials) posted on the BB course website (under BB tab “Required supplemental reading”).

*Please note that the schedule is subject to adjustment to account for the pace of class and unforeseen circumstances (i.e., professor illness, extreme weather event, the evolving nature of the global pandemic, etc.). If there are any changes to the schedule, students will be given advance notice of changes by email and/or announcement posted to the course website. Students should regularly check the updated version of this document (link posted on Blackboard under “Syllabus” tab) for the most current version of the syllabus schedule.*

*If we do not finish covering the assigned material for a particular class, we may start the next class with the leftover material before moving onto the current class's assignment; all students should be prepared to discuss the leftover material if such a situation arises. Alternately, depending on the complexity of leftover material and timing constraints, I may notify students that a short supplemental recorded lecture wrapping up the material has been posted on the course website, which will wrap up the material and which students will be responsible for reviewing as part of the assigned materials.*

## Schedule of Assignments

Module #	Module topics	Module Instructional Materials and Assignments/Assessments
<b>Pre-semester Module</b>	<i>Review of the Syllabus</i>	<b>Readings:</b> Syllabus  <b>Pre-recorded lecture:</b> Introductory Welcome and Overview
<b>Week 1 Module</b>	<i>Theories of Local Government</i>	<b>Readings:</b> <u>Wed. Jan. 20</u> [all students on call] - Casebook: 1-37 - Supp: <i>How State vs. Local Tension Will Play out at the Legislature</i> (Texas Standard, Jan. 2021, 5-minute podcast)  <b>Pre-recorded Lectures:</b> N/A  <b>Live (remote) class sessions:</b> - Wed. Jan. 20, 10:30-11:50 a.m.  <b>Powerpoints:</b> Chapter I PP  <b>Optional materials:</b>

		<ul style="list-style-type: none"> <li>- <i>City Hall</i> (documentary film, 2020, available on PBS and other streaming services)</li> <li>- Texas and “Californization” articles posted on BB</li> <li>- <i>How Our County Gov’t Works</i> (Youtube video)</li> </ul>
<b>Week 2 Module</b>	<p><i>State Constitutions</i></p> <p><i>Direct Democracy</i></p> <p><i>Local Gov’t as Agent of the State</i></p>	<p><b>Readings</b>  <u>Mon. Jan. 25</u>  <ul style="list-style-type: none"> <li>- Casebook: 51-71</li> <li>- Supp: Materials on the Initiative &amp; Referendum</li> </ul> <u>Wed. Jan. 27</u>  <ul style="list-style-type: none"> <li>- Casebook: 73-97</li> </ul> </p> <p><b>Pre-recorded Lectures:</b> N/A</p> <p><b>Remote Learning Assignment:</b>  <ul style="list-style-type: none"> <li>- Initiative and Referendum Poll (posted on Blackboard under “Remote Learning Assignments” tab)</li> </ul> </p> <p><b>Live (remote) class sessions:</b>  <ul style="list-style-type: none"> <li>- Mon. Jan. 25, 10:30-11:50 a.m.</li> <li>- Wed. Jan. 27, 10:30-11:50 a.m.</li> </ul> </p> <p><b>Powerpoints:</b>  Chapter I PP  Chapter II PP </p> <p><b>Optional materials:</b>  <ul style="list-style-type: none"> <li>- Texas State Constitution</li> <li>- <i>Why Don’t Term Limits Proposals Usually Pass?</i> Houston Public Media (2019 short podcast)</li> <li>- Two video clip links on judicial elections and direct democracy (John Oliver double feature) posted on BB</li> </ul> </p>
<b>Week 3 Module</b>	<p><i>Local Gov’t as Agent of the State (cont.)</i></p> <p><i>Local Gov’t as Autonomous Polity</i></p>	<p><b>Readings</b>  <u>Mon. Feb. 1</u>  <ul style="list-style-type: none"> <li>- Casebook: 97-123</li> </ul> <u>Wed. Feb. 3</u>  <ul style="list-style-type: none"> <li>- Casebook: 124-156</li> <li>- Supp: <i>City of Cleburne</i></li> </ul> </p> <p><b>Pre-recorded Lectures:</b> TBA</p> <p><b>Remote Learning Assignment:</b> TBA</p> <p><b>Live (remote) class sessions:</b>  <ul style="list-style-type: none"> <li>- Mon. Feb. 1, 10:30-11:50 a.m.</li> <li>- Wed. Feb. 3, 10:30-11:50 a.m.</li> </ul> </p> <p><b>Powerpoints:</b> Chapter II PP</p>

<p><b>Week 4 Module</b></p>	<p><i>Local Gov't as Quasi-Propriety Firm</i></p> <p><i>Local Gov't Formation &amp; Boundary Changes</i></p>	<p><b>Readings</b>  <u>Mon. Feb. 8</u>  - Casebook: 156-186</p> <p><u>Wed. Feb. 10</u>  - Casebook: 187-212 [stop before <i>Bridgewater</i> case]  - Supp: Articles on 2<sup>nd</sup> homeowners and voting (3 articles)</p> <p><b>Pre-recorded Lectures:</b> TBA</p> <p><b>Remote Learning Assignment:</b> TBA</p> <p><b>Live (remote) class sessions:</b>  - Mon. Feb. 8, 10:30-11:50 a.m.  - Wed. Feb. 10, 10:30-11:50 a.m.</p> <p><b>Powerpoints:</b>  - Chapter II PP  - Chapter III PP</p> <p><b>Optional materials:</b>  - <i>A Not so simple majority</i> (podcast link on BB)  - <i>Milliken v. Bradley</i> and school desegregation articles posted on BB</p>
<p><b>Week of Mon. Feb. 15 and Wed. Feb. 17</b></p>		<p><b>Mon. Feb. 15 and Wed. Feb. 17 classes cancelled per UH weather cancellation</b></p> <p><b>All assigned materials for the remainder of the semester are the same - each week's assignments have just been shifted forward by one week (which means the assigned reading that was originally scheduled for the last week of semester (the Week 14 module) has been entirely eliminated and replaced with what had been the prior week's reading).</b></p>
<p><b>Week 5 Module</b></p>	<p><i>Municipal Incorporation</i></p> <p><i>Annexation &amp; Boundary Change</i></p> <p><i>Other Forms of Boundary Change</i></p>	<p><b>Readings</b>  <u>Mon. Feb. 22</u>  - Casebook: 212-235; 240-245 (Notes 1-6)  - Supp: Article on incorporation – proliferation of cities in LA County  - Supp: Article on annexation - <i>For Shrinking Cities, an Aggressive Way to Dodge the Census Bullet</i>, New York Times (Jan. 17, 2020)</p> <p><u>Wed. Feb. 24</u>  - Casebook: 250-272 (stop at the end of the two intro paragraphs of Note 3 on pg. 272 – subsections (a) onward in Note 3 are <u>not</u> assigned)  - Supp: 2 articles about disincorporation/dissolution:  i. <i>In Maine, Local Control is a Luxury Fewer Towns can Afford</i>, New York Times (Jan. 16, 2016)  ii. <i>They Wanted to Save their 119-year old Village. So they got rid of it</i>, New York Times (Nov. 26, 2019)</p> <p><b>Pre-recorded Lectures:</b> TBA</p> <p><b>Remote Learning Assignment:</b> TBA</p>

		<p><b>Live (remote) class sessions:</b></p> <ul style="list-style-type: none"> <li>- Mon. Feb. 11, 10:30-11:50 a.m.</li> <li>- Wed. Feb. 17, 10:30-11:50 a.m.</li> </ul> <p><b>Powerpoints:</b> Chapter III PP</p> <p><b>Optional materials:</b></p> <ul style="list-style-type: none"> <li>- Article about consolidation/merger: <i>Too Much Government? Or Just Too Many Governments?</i>, Governing.com (Oct. 6, 2020)</li> <li>- TX Legislative update: 2019 Special Session and Annexation</li> </ul>
<b>Week 6 Module</b>	<p><i>Special Districts</i></p> <p><i>State-Local Relations</i></p> <p><i>Home Rule and Dillon's Rule</i></p>	<p><b>Readings</b></p> <p><u>Mon. Mar. 1</u></p> <ul style="list-style-type: none"> <li>- Casebook: 279-314 [stop before <i>Emerald Isle</i> case]</li> </ul> <p><u>Wed. Mar. 3</u></p> <ul style="list-style-type: none"> <li>- Casebook: 314-338</li> </ul> <p><b>Pre-recorded Lectures:</b> TBA</p> <p><b>Remote Learning Assignment:</b> TBA</p> <p><b>Live (remote) class sessions:</b></p> <ul style="list-style-type: none"> <li>- Mon. <u>Feb. 22</u>, 10:30-11:50 a.m.</li> <li>- Wed. <u>Feb. 24</u>, 10:30-11:50 a.m.</li> </ul> <p><b>Powerpoints:</b></p> <ul style="list-style-type: none"> <li>- Chapter III PP</li> <li>- Chapter IV PP</li> </ul> <p><b>Optional materials:</b></p> <ul style="list-style-type: none"> <li>- Materials on MUDs in Houston area</li> <li>- Materials on BIDs/Mgmt Districts in Houston area</li> <li>- Example of an unfunded mandate: TX school-zone texting law</li> </ul>
<b>Week 7 Module</b>	<p><i>Scope of Local Power - Home Rule and Dillon's Rule (cont.)</i></p> <p><i>Home Rule as a Sword</i></p> <p><i>Home Rule as a Shield</i></p>	<p><b>Readings</b></p> <p><u>Mon. Mar. 8</u></p> <ul style="list-style-type: none"> <li>- Casebook: 338-364 [stop before <i>Santa Fe</i> case]</li> <li>- Supp: materials on state-local relations in Texas (all posted on BB):             <ol style="list-style-type: none"> <li>(1) Audio podcast, <i>Houston Matters: State vs. Local Authority</i></li> <li>(2) Article: Texas and the "War on Cities" (Governing, 4/5/17)</li> <li>(3) Proposed Legislation to diminish local home rule authority from 2019 TX Legislative Session (SB 1901)</li> </ol> </li> </ul> <p><u>Wed. Mar. 10</u></p> <ul style="list-style-type: none"> <li>- Casebook: 364-397; 415-417 (Note 2 only)</li> </ul> <p><b>Pre-recorded Lectures:</b> TBA</p> <p><b>Remote Learning Assignment:</b> TBA</p> <p><b>Live (remote) class sessions:</b></p> <ul style="list-style-type: none"> <li>- Mon. Mar. 1, 10:30-11:50 a.m.</li> <li>- Wed. Mar. 3, 10:30-11:50 a.m.</li> </ul> <p><b>Powerpoints:</b></p>

		<p>- Chapter IV PP</p> <p><b>Optional materials:</b></p> <p>- Articles on state-local conflicts during the Covid-19 pandemic</p>
		<p><b>No class – University Spring Break – March 15-19</b></p>
<p><b>Week 8 Module</b></p>	<p><i>Preemption</i></p>	<p><b>Readings</b></p> <p><u>Mon. Mar. 22</u></p> <p>- Casebook: 432-455; 464-474 (Notes 1-6)</p> <p><u>Wed. Mar. 24</u></p> <p>- Casebook: 456-464; 474 (Note 7); 475-487; 494-496</p> <p><b>Pre-recorded Lectures:</b> TBA</p> <p><b>Remote Learning Assignment:</b> TBA</p> <p><b>Live (remote) class sessions:</b></p> <p>Mon. Mar. 8 10:30-11:50 a.m.</p> <p>Wed. Mar. 10 10:30-11:50 a.m.</p> <p><b>Powerpoints:</b></p> <p>- Chapter IV PP</p> <p><b>Optional materials:</b></p> <p>- TX AG Op. GA 1078 (local plastic bag regulations)</p> <p>- <i>Texas v. City of Austin</i> (local paid sick leave litigation)</p>
<p><b>Week 9 Module</b></p>	<p><i>Interlocal Relations: Conflicts and Regional Problems</i></p> <p><i>Interlocal Fiscal Inequality (School Finance)</i></p>	<p><b>Readings</b></p> <p><u>Mon. Mar. 29</u></p> <p>- Casebook: 497-533</p> <p><u>Wed. Mar. 31</u></p> <p>- Casebook: 533-566</p> <p><b>Pre-recorded Lectures:</b> TBA</p> <p><b>Remote Learning Assignment:</b> TBA</p> <p><b>Live (remote) class sessions:</b></p> <p>- Mon. Mar. 22, 10:30-11:50 a.m.</p> <p>- Wed. Mar. 24, 10:30-11:50 a.m.</p> <p><b>Powerpoints:</b></p> <p>- Chapter V PP</p> <p><b>Optional materials:</b></p> <p>- Article on interlocal relations: <i>Beach Towns have a message for NYC Residents: Go Away</i>, New York Times (May 22, 2020)</p> <p>- Legislative updates from 2019: TX public education financing materials</p>



		<p>- Article on school financing and local government boundaries: Op-Ed: <i>The Sheer Number of School Districts is Tilting the Playing Field</i>, New York Times (May 14, 2020)</p>
<b>Week 10 Module</b>	<p><i>Interlocal Fiscal Inequality (cont.)</i></p> <p><i>Interlocal Cooperation</i></p> <p><i>Regional Governance Structures</i></p>	<p><b>Readings</b>  <u>Mon. Apr. 5</u>  - Casebook: 567-581; 584 (Note 3 only); 585-589</p> <p><u>Wed. Apr. 7</u>  - Casebook: 589-99; 613-19; 621-31 (starting with Notes &amp; Questions at bottom of 621)</p> <p><b>Pre-recorded Lectures:</b> TBA</p> <p><b>Remote Learning Assignment:</b> TBA</p> <p><b>Live (remote) class sessions:</b>  - Mon. Mar. 29, 10:30-11:50 a.m.  - Wed. Mar. 31, 10:30-11:50 a.m.</p> <p><b>Powerpoints:</b>  - Chapter V PP</p> <p><b>Optional materials:</b>  - Interlocal competition and Amazon H2Q articles posted on BB  - <i>Kansas City vs. Kansas City</i> (podcast on interlocal competition)</p>
<b>Week 11 Module</b>	<p><i>State &amp; Local Finance: Revenues</i></p> <p><i>Non-tax taxes</i></p>	<p><b>Readings</b>  <u>Mon. Apr. 12</u>  - Casebook: 651-660; 661-663 (stop before Section A); 688-691; 699-711</p> <p><u>Wed. Apr. 14</u>  - Casebook: 711-727; 738-757 [stop before Note 3]</p> <p><b>Pre-recorded Lectures:</b> TBA</p> <p><b>Remote Learning Assignment:</b> TBA</p> <p><b>Live (remote) class sessions:</b>  - Mon. Apr. 5, 10:30-11:50 a.m.  - Wed. Apr. 7, 10:30-11:50 a.m.</p> <p><b>Powerpoints:</b>  - Chapter VI PP</p> <p><b>Optional materials:</b>  - <i>Troubled Fiscal Times: A Comparison of Revenue Sources and Service Levels for Houston, Dallas, and San Antonio</i>, Kinder Institute (Rice University) (May 2020)</p>
<b>Week 12 Module</b>	<p><i>Non-tax taxes (cont.)</i></p> <p><i>Development impact fees</i></p> <p><i>Other Revenue Sources</i></p>	<p><b>Readings</b>  <u>Mon. Apr. 19</u>  - Casebook: 757-761 (stop before Note 5); 763-778 (starting w/Part (b) at bottom of 763)</p> <p><u>Wed. Apr. 121</u></p>

		<p>- Casebook: 794-820 (stop before Note 7); 822-826 (starting w/Sec. 3 at bottom of 822)</p> <p><b>Pre-recorded Lectures:</b> TBA</p> <p><b>Remote Learning Assignment:</b> TBA</p> <p><b>Live (remote) class sessions:</b></p> <ul style="list-style-type: none"> <li>- Mon. Apr. 12, 10:30-11:50 a.m.</li> <li>- Wed. Apr. 14, 10:30-11:50 a.m.</li> </ul> <p><b>Powerpoints:</b></p> <ul style="list-style-type: none"> <li>- Chapter VI PP</li> </ul> <p><b>Optional materials:</b></p> <ul style="list-style-type: none"> <li>- Casebook: 820-822 (Note 7)</li> <li>- UH Hobby 2019 poll on taxes and public education financing</li> <li>- TIRZ in Houston (podcast)</li> <li>- Impact fees (news article)</li> <li>- Other revenue sources (news article about local “vacant house” taxes)</li> </ul>
<b>Week 13 Module</b>	<p><i>Borrowing and Debt Limits</i></p> <p><i>The Rise of Non-Debt Debts</i></p> <p><i>Addressing Municipal Fiscal Distress</i></p>	<p><b>Readings</b></p> <p><u>Mon. Apr. 26 [all students on call]</u></p> <ul style="list-style-type: none"> <li>- Casebook: 826-857; 913-915 (starting with “Note on Costs &amp; Conseq. of Avoiding Debt Limits” on 913 and stopping before Sec. D on 915)</li> </ul> <p><u>Wed. Apr. 28 [all students on call]</u></p> <ul style="list-style-type: none"> <li>- Casebook: 857-875 (stop before Section b); 911-919</li> </ul> <p><b>Pre-recorded Lectures:</b> TBA</p> <p><b>Remote Learning Assignment:</b> TBA</p> <p><b>Live (remote) class sessions:</b></p> <ul style="list-style-type: none"> <li>- Mon. Apr. 19, 10:30-11:50 a.m.</li> <li>- Wed. Apr. 21, 10:30-11:50 a.m.</li> </ul> <p><b>Powerpoints:</b></p> <ul style="list-style-type: none"> <li>- Chapter VI PP</li> </ul> <p><b>Optional materials:</b></p> <ul style="list-style-type: none"> <li>- <i>For Counties, the Coronavirus Brings Major Budget Problems</i>, NPR (Apr. 6, 2020)</li> <li>- Materials on municipal bankruptcy</li> </ul>