



2023 MUNICIPAL LAW INSTITUTE SYMPOSIUM

Presented by:

League of California Cities

Center for Social Justice and Public Service, Santa Clara University School of Law

February 3, 2023

Program: 8:30 a.m. – 5:00 p.m.

2023: A Municipal Law Odyssey

Moderators and Panelists

8:45-10:00 Closing the Gaps in Cybersecurity

- **Moderators:**
 - Elizabeth A. Mitchell, Partner, Burke, Williams & Sorensen
 - Kristine L. Mollenkopf, City Attorney, Lincoln
 - Dion O'Connell, Deputy City Attorney, Pasadena
- **Panelists:**
 - Justin Dietrich, Chief Information Security Officer, County of Santa Clara
 - Alfred Ortiz, CEO, CSD Cyber
 - Jon Paulsen, MBA, ARM, Vice President, Self-Insurance Pooling, Sedgwick
 - Nora E. Wetzel, Partner, Burke, Williams & Sorensen



Kristine Mollenkopf is the City Attorney for the City of Lincoln. Joining the City in 2018, she helped shepherd the City through difficult audits, investigations and the restructuring of procedures and policies, all in an effort to reestablish trust through transparency with the community. Before coming to Lincoln, she was an Assistant City Attorney in Santa Maria, California, and before that, in private practice.

Kristine's twenty-five years of experience are diverse. She has tried twenty cases to verdict, managed a firm, and been in solo practice. As City Attorney, Kristine is asked to advise on a wide variety of issues impacting cities, including open and public meeting laws, compliance with Propositions 26 and 218, the Mitigation Fee Act, land use issues (zoning, CEQA, NEPA), public employee discipline and bargaining (POBRA, FOBRA), human resources and leave and benefits issues (FLSA, FMLA, workers compensation), the Political Reform Act and regulations from the California Fair Political Practices Commission.

Responsibilities include advising the City Council, Planning Commission and other commissions and committees as requested. She supervises the City's Code Enforcement Division and responds to the legal needs of the City Manager, Police Department, Fire Department, Human Resources, City Clerk, Library, Parks and Recreation Department, Economic Development, Finance and utility billing, Utilities (Water Resources, Wastewater, Reclaimed Water and Solid Waste), the Building Division, Community Development, Engineering, Public Works, Information Technology and the Airport. Her experience in the private sector is often brought to bear when working with her departments to find creative solutions for applicants and the community. She also chairs the City's Homeless Task Force, coordinating responses and efforts with Health & Human Services, Probation and community volunteers.

Kristine is a founding member of the Placer Women Lawyers section of the Placer County Bar Association, serves on the Board of Directors of the Public Law Section of the Sacramento County Bar Association, and the committee presenting the Municipal Law Institute on behalf of the City Attorney's section of the League of California Cities.

When not spending time with her husband, English Mastiff, and American Bulldog, Kristine enjoys following Boise State University and Seahawks football and traveling.



Dion O'Connell is a Deputy City Attorney with the Pasadena City Attorney's Office, and is responsible for, among other things, housing, economic development, and real property matters. Before a recent five-year stint with the Simi Valley City Attorney's Office, Dion was a Deputy City Attorney for the City of Los Angeles, litigating from 1988-2004, and advising the Los Angeles City Council from 2003-2016. This is Dion's fourth year as a member of the Municipal Law Institute Committee. Dion received his BA from UCLA and his JD from Loyola Law, Los Angeles.



Justin Dietrich is the Chief Information Security Officer (CISO) for the County of Santa Clara and is responsible for advancing the County's information security program. The County includes 21,000+ employees and serves a population of approximately 1.9 million in the heart of Silicon Valley. His career has been focused on cyber security since he started his internship at NASA Ames Research Center in 2002. At NASA he held various roles until 2015 in which he joined the Santa Clara County team to assist in building and expanding their information security program.



Alfred Ortiz is CEO of CSD Cyber, a provider of cybersecurity services and solutions. He has over 20 years of information technology experience with companies such as Hewlett-Packard, Infor Global Solutions and DriveLock before starting his own firm. During his professional career he worked in various areas of sales, marketing, pre-sales and management from Canada's Nunavut Territory in the Arctic Circle to the McMurdo Station in Antarctica. Alfred previously worked on Capitol Hill as a congressional staffer and as a legislative aide for a California State Senator. In addition to his professional career he has been involved in higher education as an adjunct professor at the University of the Incarnate Word (San Antonio, TX), Regis University and the University of Colorado. He is a doctoral candidate in Information Systems at IE University in Madrid, Spain. In addition, he earned a bachelor's degree from Cal Poly Pomona, an MBA from University of the Incarnate Word, and executive education from the Massachusetts Institute of Technology. CSD has worked with customers such as GE, Intel and numerous state and local organizations since the company's inception to provide a secure cyber environment for public and commercial organizations. In addition, to his work he has consulted with companies on the NIST 800-53/171 frameworks as well as CMMC 1.0 and the upcoming 2.0 model. CSD also partners with companies worldwide such as Hack the Box, Linux Foundation and DriveLock. When Alfred isn't working he is spending time with his wife and two college age children and enjoys reading, rugby and traveling. Alfred & CSD are powered by the 5 H's: Hard Work, Health, Honesty, Humility, & Hunger.



Jon Paulsen oversees Sedgwick's self-insurance pooling division for California – including administration and operations for 15 Joint Powers Authorities (JPA's) and approximately 400 member public agencies.

In this role he has served as Executive Director for the Bay Cities Joint Powers Insurance Authority (BCJPIA), Pooled Liability Assurance Network (PLAN), and Marin Schools Insurance Authority (MSIA).

Jon is also an adjunct professor of risk management at California State University, Sacramento and the Lacy School of Business at Butler University. He received a bachelor's degree in Biochemistry and a master's in Business Administration/Strategic Management from the University of Illinois.



Nora Wetzel is a commercial litigation attorney in Burke’s San Francisco office with a focus in commercial real estate and data privacy matters. Nora handles real estate litigation involving purchase and sale, leaseholds, land-use litigation, and eminent domain, as well as general commercial matters. She advises clients regarding their compliance with U.S. federal and state privacy and information laws, data security, breach responses and state and federal security breach notification laws.

Nora provides prompt and efficient legal service to healthcare entities and related businesses, educational institutions, public entities, retailers, commercial landlords and tenants, business owners, property owners, developers and public utilities on litigation matters involving commercial real estate disputes, cybersecurity and privacy, eminent domain actions, breach of contract claims and product defect claims.

Nora has jury trial and mediation experience, as well as regulatory compliance experience in connection with state attorneys general and the Office for Civil Rights of the Department of Health and Human Services. Nora has been designated as a Certified Information Privacy Professional, United States (CIPP/US) by the International Association of Privacy Professionals (IAPP).

10:15-11:30 Technology and Privacy in the City

- **Moderators**
 - **Megan McClurg, Deputy City Attorney, Chula Vista**
 - **Elaine Zhong, Deputy City Attorney, Los Angeles**
- **Panelists:**
 - **Matt Cagle, Technology and Civil Liberties Attorney, ACLU of Northern California**
 - **Amadis Sotelo, Deputy City Attorney, Oakland**
 - **Elizabeth E. Joh, Martin Luther King Jr. Professor of Law, University of California, Davis School of Law**



Elaine Zhong is a deputy city attorney at the Office of the Los Angeles City Attorney, where she focuses on housing-related advice and litigation. She also teaches legal writing and analysis to first-year law students at USC Gould School of Law. She is a member of the Los Angeles County Bar Association’s Judicial Appointments Committee, the California Lawyers Association - Committee on Federal Courts, and the League of California Cities Municipal Law Institute. While in private practice, she was a litigation associate at Wilmer Cutler Pickering Hale and Dorr LLP. She was also a term law clerk for the Honorable Ronald S.W. Lew of the U.S. District Court for the Central District of California. She earned her BA

from UC Berkeley, and JD from the University of California, Hastings College of the Law.



Matt Cagle is a Technology and Civil Liberties Attorney at the ACLU of Northern California, where he works on digital rights issues, including privacy, surveillance, and free speech. Matt focuses on ensuring modern digital systems — be they private platforms or public projects — are publicly debated and implemented with equality and justice in mind. This includes work on the use of surveillance technology by local police, and the promotion of best practices for online platforms. Prior to joining the ACLU full-time, Matt worked in private practice advising startups on privacy issues. He holds degrees from the University of Arizona and Stanford Law School, where he was a member editor of the Stanford Journal of Civil Rights and Civil Liberties.



Amadis Sotelo is a Senior Deputy City Attorney with the Oakland City Attorney's Office (City Attorney). Working in the City Attorney's Advisory Division, Amadis provides legal advice to various City department staff and officials on Code Enforcement matters, the regulation of cannabis businesses, and compliance with the City of Oakland's rules governing the acquisition and use of surveillance technology. He staffs City of Oakland boards and commissions including the Cannabis Regulatory Commission and the Privacy Advisory Commission and also serves as parliamentarian for the Oakland City Council. In his free time Amadis enjoys spending time with his family, being outside, and watching films.



Professor Elizabeth Joh is a leading expert on policing, privacy, and technology. She served as a member of the U.C. Presidential Working Group on Artificial Intelligence (2020-21), and is an elected member of the American Law Institute, a Faculty Advisory Board member of the U.C. Berkeley CITRIS Policy Lab, and an appointed member of the National Academies of Sciences, Engineering, and Medicine study committee on Facial Recognition: Current Capabilities, Future Prospects, and Governance. She has spoken on policing and technology issues to audiences including the Justices of the Washington Supreme Court, the Judicial Research Training Institute of the Supreme Court of Korea, and the House of Lords Justice and Home Affairs Committee (U.K.).

Professor Joh's scholarship has appeared in leading law reviews including the Northwestern University Law Review, the California Law Review and the Stanford Law Review. Her writing for general audiences has appeared in the New York Times, the Los Angeles Times, Slate, Politico, and the New York Review of Books. She is the co-host of What Roman Mars Can Learn About Con Law, a popular podcast about constitutional law and current events.

11:45-12:45 Lunch and Keynote Panel

Representation in the City Attorney's Office: The Changing Faces of Municipal Law

- **M Moderators:**
 - **Jena Acos, City Attorney, Carpinteria**
 - **Rob Ewing, City Attorney, Danville**
- **Panelists**
 - **Eric Casher, City Attorney, Pinole**
 - **Megan Garibaldi, City Attorney, Goleta and Hawaiian Gardens**
 - **Deepa Sharma, Senior Associate, Burke, Williams & Sorensen**

Rob Ewing is City Attorney for the Town of Danville. Prior to coming to Danville, Rob served as Town Attorney in Tiburon, Deputy City Attorney in South San Francisco and was an associate at the law firm of Whitmore Kay & Stevens. Rob has previously served as Chair of the League's Legal Advocacy Committee, co-chair of the Municipal Law Institute Committee and as President of the Bay Area and Contra Costa County City Attorneys Associations. He received his BA from UC Santa Barbara and his JD from University of California, Hastings College of the Law.



Eric Casher assists public entities, private companies, public-private partnerships, and nonprofit organizations as a strategic advisor and legal counsel. For more than 15 years, he specializes in helping clients achieve their strategic goals and objectives by efficiently and effectively navigating the complex regulatory requirements imposed by local, state and federal agencies with an emphasis on strategic advice for public-private partnerships and multi-agency public projects. Eric has extensive experience with the unique procedures, processes and requirements of government agencies at all levels, and their implementing regulations. He is a government relations and regulatory law expert with a litigation background that allows him to offer clients unique insights on risk management. Eric combines substantive legal analysis with sophisticated, practical and first-hand experience across the governmental, legislative and regulatory arena. He has a deep understanding of the intricacies of the decision-making processes and frequently appears before and works with elected leaders, senior staff, legislative committees, regulators, agencies, boards and commissions at many levels of government. Eric also assists clients in working with advocacy groups and citizens to convey his clients' general community affairs goals as well as achieve project specific objectives. Eric has unique experience and expertise dealing with the challenges that government agencies, cities, counties and special districts face as they implement their mandates and missions. He is the past Chair of the Municipal and Special District Law Practice Group, having oversaw the work of Meyers

Nave attorneys who serve as City Attorney for municipalities of all sizes and General Counsel for Special Districts of all types throughout California. Eric currently serves as City Attorney for the City of Pinole, a city of 19,000 residents in the San Francisco Bay Area, and General Counsel of the East Bay Dischargers Authority, a joint powers agency consisting of five local agencies that manages wastewater treatment and disposal for a population of 900,000.



Megan Garibaldi advises public agencies and private entities on local government law, with an emphasis on land use and entitlement, planning, zoning, affordable housing and state environmental laws. Megan also focuses on real estate and economic development work. Megan serves as the city attorney for the City of Hawaiian Gardens, interim general counsel for the Laguna Beach County Water District and special counsel on litigation matters for a number of Southern California agencies. A partner in the Municipal Law practice group of Best Best & Krieger LLP, Megan regularly counsels clients on land use decisions and project development. When her clients face legal challenges to their decisions or projects, she successfully and zealously advocates for them in court. Megan's goal is to find practical solutions while providing her clients the best possible results. Prior to joining BB&K, Megan was a partner at Rutan & Tucker, LLP, in both the Governmental Law and Real Estate groups. During that time, Megan served as assistant and deputy city attorney to several Orange County cities, where she advised on matters ranging from the Public Records Act and Brown Act to Proposition 218 and the Landscaping and Lighting Act to the Planning and Zoning Laws, Subdivision Map Act and Mitigation Fee Act. Throughout her career, Megan has reviewed, drafted and negotiated numerous entitlement-related documents, disposition and development agreements, other complex real estate instruments and CEQA-related documents. She has also successfully defended several real estate-and land use-related litigation matters, as well as complicated municipal finance challenges.



Deepa Sharma provides litigation and advisory services to a broad range of public and private sector clients throughout California. While in law school, Deepa served as a law clerk in the U.S. Department of Transportation's Federal Transit Administration (FTA), which oversees federal grants to state and local transit providers. She interned at the State of California's Office of Legislative Counsel, where she assisted in drafting legislation in the areas of energy, environmental, transportation, and education law. Deepa also served as a judicial extern to the Honorable Maria P. Rivera of the California Court of Appeal, and was a staff editor and executive board member for the Hastings Constitutional Law Quarterly. Before law school, Deepa served as a policy aide in the California State Legislature, and worked as a political consultant to various local and statewide campaigns.

1:00-2:15 Social Media, Cybersecurity, and the Law

- **Moderators:**
 - **Isaac Rosen, Best Best & Krieger**
 - **Jennifer Beyers, Assistant City Attorney, Redwood City**
- **Panelists:**
 - **David L. Sloss, John A. and Elizabeth H. Sutro Professor of Law, Santa Clara University School of Law**
 - **Eric Goldman, Associate Dean of Research, Professor of Law and Co-Director, High Tech Law Institute**
 - **Giselle Hale, former Mayor of Redwood City**
 - **Javan N. Rad, Chief Assistant City Attorney, City of Pasadena**



David Sloss is the John A. and Elizabeth H. Sutro Professor of Law at Santa Clara University. He is also the Faculty Director of the innovative, new Public Interest JD program at Santa Clara. Prof. Sloss has published five books and dozens of law review articles. He recently published *Tyrants on Twitter: Protecting Democracies from Information Warfare* (Stanford University Press 2022). The book is available both in print and as an audiobook. It presents a detailed analysis of the exploitation of social media by Chinese and Russian agents to conduct information warfare. Prof. Sloss proposes a novel system of transnational regulation to protect Western democracies from Chinese and Russian information warfare.



Eric Goldman is Associate Dean for Research, Professor of Law, Co-Director of the High Tech Law Institute, and Supervisor of the Privacy Law Certificate, at Santa Clara University School of Law. His research and teaching focuses on Internet law, and he blogs on that topic at the Technology & Marketing Law Blog [<http://blog.ericgoldman.org>]. *Managing IP* magazine has twice named him to a shortlist of North American “IP Thought Leaders,” and he has been named an “IP Vanguard” by the California State Bar’s IP Section.



Giselle Hale is a mom, advocate, and technology leader who previously served as Mayor of Redwood City. Giselle was raised by a single mother, her husband was a foster child but with access to social services and a good education, both were able to rise to the top ranks in their fields working for companies like Coca-Cola, Cisco, Facebook/Meta, and Door Dash. Giselle was appointed to the Redwood City Planning Commission in 2014 when her oldest daughter was just 6 months old and served while having her second daughter in 2016. She was elected to the Redwood City Council in 2018 as the top vote-getter in the history of the City. On Council, Giselle led Redwood City to be the regional leader in housing production and childcare. She also focused on community mental health, climate change, and the needs of children and youth.

As a newly elected Councilmember with a unique understanding of both technology and civics, Giselle approached then Assemblymember, now Congressman Kevin Mullin with a bill idea: updating the Brown Act to allow local leaders to safely communicate with constituents online. AB 992 Modernizing the Brown Act was signed by the Governor in September 2020. At the time it was the most significant update to the Brown Act since its inception in 1953.



Javan Rad is the Chief Assistant City Attorney for the City of Pasadena, and has been with Pasadena since 2005. Javan oversees nine lawyers in the Civil Division of the City Attorney's office, and also handles a variety of litigation and advisory matters in the areas of constitutional, tort, and telecommunications law. Javan has been active in a variety of capacities for the League of California Cities' City Attorney's Department. Javan has previously served as President of the City Attorney's Association of Los Angeles County, and as President of the Board of Directors of SCAN NATOA (the States of California and Nevada Chapter of the National Association of Telecommunications Officers and Advisors). Javan graduated from Purdue University with a bachelor's degree in Quantitative Agricultural Economics and from Pepperdine University School of Law.

2:30-3:45 Ethics & Technology: The Next Frontier

- **Moderators:**
 - **Kristen Steinke, Partner, Burke, Williams & Sorensen, City Attorney, City of Lemon Grove**
 - **Darren Ziegler, Best, Best & Krieger**
- **Panelists:**
 - **Brian Hofer, Chair & Executive Director for Secure Justice, Chair of Oakland's Privacy Commission**
 - **Irina Raicu, Internet Ethics Program Director, Markkula Center for Applied Ethics, Santa Clara University**
 - **Brian Pascal, Non-Residential Fellow, The Center for Internet and Society, Stanford Law School**



Kristen Steinke is a Partner at Burke, Williams & Sorensen. Kristen currently serves as the City Attorney for the City of Lemon Grove and General Counsel for the North County Fire Protection District. Kristen previously assisted the City of San Marcos, the City of San Diego, the City of National City, the City of Carlsbad and other public agencies as Special Counsel. Kristen's practice centers on real property-related litigation, eminent domain, inverse condemnation, land use and municipal law. She represents public entities, land-owners, developers, businesses of all sizes, contractors, subcontractors and, others in a wide variety of development-related matters.



Brian Hofer is Chair of the City of Oakland’s Privacy Advisory Commission and the Executive Director of Secure Justice. His advocacy has been instrumental in a number of nation-leading ordinances, including ones that established a vetting framework for the potential acquisition and use of surveillance equipment. Mr. Hofer is presently consulting with the cities of San Diego, San Jose, Los Angeles, Washington, D.C. and Portland on establishing similar frameworks. Brian has presented on his work at conferences sponsored by the California Department of Justice, National Association of Criminal Defense Lawyers, Berkeley Law School, NYU Law School, Georgetown Law School, Berkeley Goldman School of Public Policy, and he has testified before various California state Senate and Assembly committees in support of privacy enhancing legislation.



Irina Raicu directs the Internet Ethics program at the Markkula Center for Applied Ethics. She is a certified information privacy professional, and her work addresses a wide variety of issues—from online privacy to social media’s impact on society, from the digital divide to the ethics of encryption, and from the ethics of artificial intelligence to the right to be forgotten. Raicu is a member of the Partnership on AI’s working group on Fair, Transparent, and Accountable AI, and she served as a member of the initial cohort of the city of San Jose’s privacy advisory task force. She has authored and co-authored a variety of resources published by the Markkula Center, and, together with other center staff, she has worked with multiple companies in the process of developing their responsible tech/responsible AI policies and processes. Her writing has appeared in publications including The Atlantic, U.S.A. Today, MarketWatch, Slate, the San Francisco Chronicle, and Recode.



Brian Pascal’s work encompasses a variety of disciplines at the intersection of privacy, security, science, and technology, including civil liberties, privacy, big data, digital ethics, and how the law adapts over time to scientific and technology advances. His research focuses on the challenge of integrating both new and established scientific thought into legal and political practice. He also studies the application of big data and machine learning to complex social problems. Brian has served in a variety of roles at the interface of technology, law, policy, and business. He currently works as a policy advisor to the Santa Clara County Board of Supervisors on surveillance, data privacy and security, criminal justice, and public safety. He has also spent time as an academic researcher, an independent privacy and security consultant, civil liberties engineer with Palantir Technologies, a cybersecurity and privacy consultant with IBM, and an attorney with the firm of Wilson Sonsini Goodrich & Rosati. Brian received his law degree from the University of Michigan Law School, his undergrad degree in physics from Duke University, and in between he studied science writing at the Massachusetts Institute of Technology.