LAW XXX - STATE & LOCAL LAW

University of Arizona College of Law  Professor Jonathan Rothschild  Units: 3 pass/fail
Day/Time/Office Hours TBD

COURSE DESCRIPTION

It is said that that "all politics are local." This course will introduce students to the law of State and Local Government and their significance in our Constitutional order. The course will review the case law that sets the parameters of the relationship between Local and State Government and the conflicts that arise as Local Government experiments with innovative policies in a number of controversial areas. The course will also address inter-local relations and Metropolitan area problems to gain an understanding of the service areas and financial opportunities and limitations of Local Government.

LEARNING OBJECTIVES

Upon completion of this course, students will be able to:

- Discuss the legal relationships and doctrines that govern state and local law
- Resolve areas of conflict between state and local law
- Discuss the conflict between state power and local autonomy and between state governments and the federal constitution under the Supremacy Clause
- Explain and counsel on legal and constitutional issues that arise within state and local governments
- Evaluate terms and conditions of contracts between governmental bodies and between governments and private entities
- Understand and explain the legal issues behind governmental finances

COURSE MATERIALS


GRADING AND WORKLOAD REQUIREMENTS

JD, MLS, LLM, and SJD students will be graded according to the grading policies listed in the College of Law student handbook. See the policies section below for more information.

The workload for this class will include 3 hours of in-class time and two-times 3 hours of out-of-class work, including readings and work on the final papers or projects, where 3 is the number of units for the particular offering.
Grading will be based on two essays that addresses questions related to any two of the topics discussed during the course, topic to be approved by the professor.

**TOPICS LIST**

Week 1--January 16--Introduction to the Study of State and Local Government Law, Local Governments role in the Federal System, Theories of roles of Local Government. (B&R 1-53)

Week 2--January 21/23--Role of the State Constitution in Local Government. Grants v. Limitation, Frequency of Constitutional challenges, Local Governments as Agents of the State.(B&R 54-106)

Week 3--January 28-30--Local Government as Autonomous, Democratic Polity. One person, One vote. The authority of Local Governments.(B&R 107-155)

Week 4--February 4-6--Local Government Formation and Boundaries. The significance of local boundaries and the right to vote, local boundaries and local revenues and local services. Local Government as quasi-proprietary entity. (B&R 156-206)

Week 5--February 11-13--Municipal Incorporation and Annexation. Creation of Cities, enlargement of Cities, annexation agreements, dis-incorporation, de-annexations. . (B&R 207-261)


Week 7--February 25-27--State and Local Relations. Conflict between State power and Local autonomy. Constitutional Limitations on State Supremacy, Ban on Special Legislation, regulation of unfunded mandates. (B&R 289-326)


Week 9--March 17-19--Protecting Home Rule. Scope of extension of authority. Theories and Defenses. (B&R 377-431)

Week 10--March 24-26--Preemption. Defining conflict with State Law. When does the State have the power to preempt? When does a local ordinance comply with power granted by the State? Matters of state-wide concern, Theories and Defenses to Preemption/ (B&R 432-496)

Week 11--March 31-April 2--Inter-local Relations and Metropolitan Area problems. Citi-states, boundary problems, inter-local conflicts and regional problems. (B&R 497-532)
Week 12--April 7-9--Inter-local Fiscal Inequity--School Finance Reform, regional responses to inter-local fiscal inequity. (B&R 533-578)

Week 13--April 14-16--Inter-local Cooperation--contracts for services, joint service agreements, inter-governmental agreements, creating new governmental entities.

Week 14--April 21--Regional Governance Structures, Regional Special Districts, Multi-purpose Regional Structures, Interstate Compacts, Regional Participation Agreements (B&R 613-660)

**POLICIES**

Standard College of Law and University policies will be added to the syllabus at the time the course is run, using timely links and language. A sample of these policies is below:

**Student Handbook**

Arizona Law students are bound by the entirety of the College of Law Student Handbook and by University of Arizona policies. See [https://arizona.box.com/v/LawHandbook](https://arizona.box.com/v/LawHandbook). This includes policies on classroom professionalism. The American Bar Association and the College of Law require regular and punctual class attendance. Under the College of Law’s attendance policy, unexcused absences in excess of 10% of the regularly scheduled classes are grounds for being dropped from the course. Your attendance and active participation are important and appreciated. See [https://arizona.box.com/v/LawHandbook](https://arizona.box.com/v/LawHandbook), Section VI-A for more information.

**College of Law Grading Curve**

The target mean grade point average shall be 3.35. If the mean falls above or below the target mean, it shall in no event be greater than 3.5 or less than 3.2. Faculty may not deviate from this requirement except in extraordinary circumstances. Faculty who believe that extraordinary circumstances justify a mean grade point average that falls outside the prescribed range may seek permission to deviate in writing, explicitly stating the reasons for the request, from the Associate Dean for Academic Affairs. Unless the grades are accompanied by written approval signed by the Associate Dean for Academic Affairs, the Registrar may not record grades that deviate from the grade point average prescribed in this paragraph. There is no automatic permitted deviation, even in small classes.

**Disabilities and Accommodations Policy**

The College of Law is committed to equal educational opportunities for students with disabilities. The Disability Resource Center (“DRC”) at the University of Arizona is the office designated by the University to receive requests for reasonable accommodations. A student who, because of disability, seeks a reasonable accommodation for, among other things, attendance, class preparation, or class participation, or who anticipates barriers related to the format or
requirements of the course, must provide documentation of the disability to the DRC and meet with a DRC Access Consultant to discuss accommodations. If the DRC determines that a disability-related accommodation is necessary, this will be communicated to the Assistant Dean of Student Affairs who will make the necessary arrangements with all affected faculty. Students who have temporary disabilities, illnesses, or other emergencies that require some accommodation in order to meet class requirements should consult with the Assistant Dean of Student Affairs who will determine what, if any, accommodation is necessary. The Assistant Dean of Student Affairs will make the necessary arrangements with all affected faculty. Students may contact the Disability Resource Center at 520-621-3268 or drc-info@email.arizona.edu.

Attendance

Absences for any sincerely held religious belief, observance, or practice will be accommodated where reasonable: https://policy.arizona.edu/human-resources/religious-accommodation-policy. Absences approved by the College of Law Dean of Students will be honored. Students who miss assignments due to illness or emergency are required to bring documentation from their healthcare provider or other relevant, professional third parties. The UA’s policy concerning Class Attendance and Administrative Drops is available at: https://www.registrar.arizona.edu/courses/dates-deadlines?audience=students&cat1=10&cat2=30.

Preparation for Class

Students are required to do reading before the class meeting. Students will be expected to participate in discussions as part of the attendance requirement.

Grades

See https://arizona.box.com/v/LawHandbook for more information on grade reporting/posting, grade system, and grievance procedures. Overall University policy regarding grades and grading systems is available at: http://catalog.arizona.edu/policy/grades-and-grading-system. Requests for incomplete (I) or withdrawal (W) must be made in accordance with University policies, which are available at the above link.

Use of Computers in the Classroom

To foster a positive learning environment, please refrain from surfing the web, e-mailing, texting, chatting or on-line shopping (or Facebook updating, Tweeting, or similar activities) during class. Cell phones are to be turned off and put away. From time to time, online research related to a class topic under discussion may be appropriate. The purpose of this section is to ask that you avoid activities that are distracting to our speakers and to your fellow classmates. Further, students are asked to follow “netiquette” rules; digital communications may come across harsher than they sound in person. Please use care with electronic communications. Students are
asked to refrain from disruptive conversations with people sitting around them during lecture. Students observed engaging in disruptive activity will be asked to cease this behavior. Students who continue to disrupt the class will be asked to leave lecture or discussion and may be reported to the Dean of Students. Thank you in advance for your courtesy and restraint.

**Assignments**

Assignments are to be handed in at the time expressed by the instructor and in the method designated, whether that is in person, by e-mail or uploaded to D2L. Late materials will not be accepted without express permission of the instructor.

**Communications**

Generally, students should not expect an immediate response, and should wait at least 24 hours before writing again. For questions about the syllabus or other topics of general interest, students should review the discussion board on D2L, where it may already be answered. If the question does not already appear on D2L, students should post the question there, where it will be answered for all students. You are responsible for reading emails sent to your UA account from your professor and the announcements that are placed on the course web site. Information about readings, news events, your grades, assignments and other course related topics will be communicated to you with these electronic methods.

**Classroom Behavior and Conduct**

The Arizona Board of Regents’ Student Code of Conduct, ABOR Policy 5-308, prohibits threats of physical harm to any member of the University community, including to one’s self. Students are expected to be familiar with the UA Policy on Disruptive Student Behavior in an Instructional Setting found at: [http://policy.arizona.edu/education-and-student-affairs/disruptive-behavior-instructional-setting](http://policy.arizona.edu/education-and-student-affairs/disruptive-behavior-instructional-setting).

The University of Arizona seeks to promote a safe environment where students and employees may participate in the educational process without compromising their health, safety or welfare. The Arizona Board of Regents’ Student Code of Conduct, ABOR Policy 5-308, prohibits threats of physical harm to any member of the university community, including to one’s self. Threatening behavior can harm and disrupt the University, its community and its families. Threatening behavior is prohibited. You are encouraged to read more on this at: [https://deanofstudents.arizona.edu/accountability/disruptive-student-behavior](https://deanofstudents.arizona.edu/accountability/disruptive-student-behavior). The Policy on Threatening Behavior by Students found at: [http://policy.web.arizona.edu/education-and-student-affairs/threatening-behavior-students](http://policy.web.arizona.edu/education-and-student-affairs/threatening-behavior-students).

**Academic Integrity**
Academic Integrity at the University of Arizona is the principle that stands for honesty and ethical behavior in all homework, tests and assignments. All students should act with personal integrity and help to create an environment in which all can succeed. Dishonesty will not be tolerated in this course. This includes, but is not limited to, cheating, plagiarizing, fabricating information or citations, facilitating acts of academic dishonesty by others, having unauthorized possession of examinations, submitting work of another person or work previously used without informing the instructor, or tampering with the academic work of other students. Students who are found to be dishonest will be reported to the Dean of Students Office and receive a sanctions, such as a failing grade on the assignment, exam, and/or in the course. Students should refer to the UA Code of Academic Integrity if they have questions (http://deanofstudents.arizona.edu/policies-and-codes/code-academic-integrity).

**Plagiarism**

Basically, plagiarism is using other’s work as if it were yours. You may not realize it, but certain practices lead others to conclude that other's works are your own. Here are some of these practices:

- Using someone’s exact words and not putting quotation marks around them, which means the reader has no way of understanding that this is not the work of the author.
- Using someone’s work and not referencing the source.
- Paraphrasing so closely (same order of sentences, same order of paragraphs, same order of sections), with merely a word substituted here and there. This indicates that the work is really still someone else’s. The intellectual work of re-thinking the meaning wasn’t done. This is true even if the source is given.
- Cut and Paste: Using parts of several people’s work, which some think is original - Not! The sum of sentences from other authors doesn’t make the combination original.

Plagiarism will not be tolerated in this course. If you have any doubt, please check with the instructor.

https://owl.purdue.edu/owl/research_and_citation/using_research/avoiding_plagiarism/is_it_plagiarism.html

**University's Intellectual Property Statement**

http://policy.arizona.edu/research/intellectual-property-policy

**Discrimination and Harassment**

The University of Arizona is committed to creating and maintaining an environment free of discrimination. In support of this commitment, the University prohibits discrimination, including harassment and retaliation, based on a protected classification, including race, color, religion,
sex, national origin, age, disability, veteran status, sexual orientation, gender identity, or genetic information. For more information, including how to report a concern, please see:

Grievance Policy

Should a student feel he or she has been treated unfairly there are a number of resources available. With few exceptions, students should first attempt to resolve difficulties informally by bringing those concerns directly to the person responsible for the action, or with the Assistant Dean for Student Affairs, a department head, or the immediate supervisor of the person responsible for the action.

Notification of Objectionable Materials

Although some students may deem course content offensive, such materials are deemed important for the learning process. Students are not excused from interacting with such materials, but they are certainly encouraged to express well-formed opinions that express those objections and their reasons for them.

Confidentiality of Student Records

Family Educational Rights and Privacy Act of 1974 (FERPA) is the federal law that governs the rights of students and institutional responsibilities with respect to student records. FERPA is a federal law designed to protect the privacy of a student’s educational record. More details on what FERPA is about and specifics of what constitutes an Education Record can be accessed at:

Student Assistance

Student Assistance serves as a central support resource for all students. We help students and their families manage crises, life traumas, and other barriers that impede success. The staff works to address the needs of students who struggle in such areas as psychological health, physical health, victimization, relationship issues, social adjustment, and academics through a variety of interventions, referrals, and follow up services. We strive for a culture of caring on campus. Visit the student assistance website at:
https://deanofstudents.arizona.edu/student-assistance/students/student-assistance.

Syllabus & Schedule Subject to Change

Information contained in the course syllabus and schedule of assignments, other than the grade and absence policy, may be subject to change with advance notice, as deemed appropriate by the instructor.
College of Law Honor Code

You are bound by the entirety of the College of Law Honor Code in this class. See https://law.arizona.edu/sites/default/files/Honor_Code_2015.pdf for more information.