

**LAWS AFFECTING LOCAL REGULATIONS
AND PUBLIC RESOURCES
FOR NON-LEGAL IMMIGRANTS**

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Immigration laws or the lack thereof are a hotbed of discussion and concern to not only the citizens in your community, but are also an integral part of the political discussion and platform of the presidential candidates. The laws relating to immigration and naturalization in this country are complex, and the consequences that follow from local enactments may be severe. The topics in this paper touch upon areas involving local regulation and resources. It is by no means exhaustive of all of the issues within those areas but is a guide for the local practitioner of issues that should be considered as you respond to inquiries from your client and citizens on what role local government is allowed to perform in this arena and the limits of that authority.

This paper covers two areas of law. First, it includes the key legal principles that come into play when local entities enact regulations that affect the non-legal alien and those who provide services to them. It also includes examples of contrasting approaches of cities to this sensitive and complex topic. Finally, it provides an overview of the law that limits and/or requires local government in their distribution of public resources to the non-legal alien.

LAWS AFFECTING LOCAL REGULATIONS

While immigration regulations have traditionally been the purview of the Federal government, the lack of comprehensive reform in Washington has resulted in state and local governments taking a more significant role in addressing legal issues related to undocumented workers. State legislatures from across the United States introduced more than 1,000 immigration measures in 2007 and passed 150 of these items, three times more than in 2006.¹ Additionally, more than 100 municipalities across the country are regulating the issue of unauthorized immigration at a local level. Local solutions have resulted in both pro-immigration policies that attempt to embrace and integrate immigrants into the community and anti-immigration policies that often bring unintended consequences such as court challenges, local opposition, and loss of citizenry and business revenue.

ANTI- IMMIGRATION POLICY

There is a common theme found in the provisions of anti-immigration ordinances. Generally, these regulations crack down on unauthorized immigrants and push for comprehensive reform by addressing a variety of issues including day laborers, employers/workers, landlord/tenant, identification/driver's license, local law enforcement, education, and English as the official language. These ordinances often penalize not only the undocumented workers, but their families, business owners and others who interact with the unauthorized immigrants.

There are several legal obstacles to local regulation of the immigration issue. Municipal ordinances that target immigrants raise a number of Constitutional issues including federal pre-emption, due process, and equal protection questions.

There are several issues to evaluate in determining if a proposed ordinance is consistent with Constitutional principles. Additionally, an examination of court decisions regarding municipal regulations targeting undocumented workers provides insight into the legality of anti-immigration initiatives.

The United States Constitution makes clear that states and municipalities are pre-empted from passing regulations that conflict with or duplicate provisions found in the federal law. However, not all state and local laws related to immigrants are pre-empted by federal law. There are several different ways local law can be pre-empted by federal law.

PREEMPTION DOCTRINE

1. **Local Attempt to Regulate Immigration** - The courts have consistently held that the federal government is vested with the right to regulate immigration.

¹ From: Rodriguez, Cristina; Chishti, Muzaffar; Nortman, Kimberly - *Testing the Limits: A Framework for Assessing the Legality of State and Local Immigration Measures* for the Migration Policy Institute, National Center on Immigrant Integration Policy.

Ordinances that attempt to confer this power on state or local governments will most likely run afoul of the Constitution. Examples of laws that would most likely be found unconstitutional because they “regulate immigration” are ordinances that try to define who is a lawful immigrant because these provisions frequently vaguely classify or inadvertently exclude certain categories of lawfully protected immigrants from their definitions because of the complexity of identifying immigration status. Additionally, any attempts by a local government to deny housing to lawful immigrants would likely be considered a regulation of immigration. A local law that had the effect of denying housing to lawful immigrants because it denied housing to their undocumented relatives would likely be found unconstitutional. The Supreme Court has held that state laws that burden the residence of lawfully present immigrants are attempts to regulate immigration which is preempted by federal law.

2. **Express Preemption** - Express preemption occurs when a federal law has a provision that plainly prohibits states and municipalities from legislating in that area. For example, the Immigration and Reform Control Act (IRCA) expressly specifies that the IRCA preempts any state or local law that attempts to impose civil or criminal sanctions upon those who employ, or recruit or refer for a fee for employment, unauthorized aliens. Therefore, any attempt to create a local ordinance that penalizes those who employ immigrants would probably be found unconstitutional. However, if the regulation simply prohibited employers from knowingly hiring undocumented workers or affirming the same, there probably would not be a preemption obstacle because the provisions would merely reinforce IRCA.

3. **Implied Preemption** - Local ordinances can also be challenged by implied pre-emption which can occur in two ways.

- a) **Field Preemption** - Field preemption applies if a regulation is so comprehensive that it is clear that the federal government intended to fully occupy the field. For example, IRCA encompasses a comprehensive regulatory scheme for regulating every aspect of immigrant employment and any local law supplementing in this area would likely be duplicative and preempted.
- b) **Conflict Preemption** - Absent express preemption, a law can also conflict with federal law which would result in preemption. For instance, if a local regulation created different timelines or penalties than federal laws there would be a conflict and the local law would probably be preempted.

INDIVIDUAL RIGHTS

In reviewing municipal ordinances, courts also analyze individual rights issues such as whether a law provides due process and/or equal protection.

1. **Due Process** - The Fourteenth Amendment of the Constitution forbids deprivation to any person of life, liberty, or property without due process. Therefore, a

local government cannot deprive people of a property interest without adequate notice and an opportunity to be heard on any charge. Courts have found that both landlords and tenants have protected property interests under constitutional principles and both employers and employees have protected constitutional liberty interests. It is important to note that the constitutional protections contained in the Fourteenth Amendment extend to all persons and not just persons that are legally in the country. In determining if a specific law complies with due process, there are several factors to examine.

- a) The regulation should be clear and straightforward so that a reasonable person would understand what is expected under the law. For example, if a law requires proof of documentation, it should be precise as to what forms of identification are satisfactory.
- b) There should be a fair hearing process with notice of any alleged violation of the law and an opportunity for the violators to present their side of the case to an impartial decision-maker within a specified, reasonable time frame.

2. **Equal Protection** - Equal Protection concerns are another area where anti-immigration ordinances falter under legal challenge. Ordinances that provide different treatment to different classes of people are suspect under constitutional review because they restrict fundamental rights, such as voting or interstate travel. Laws can also be found unconstitutional under an equal protection claim if they discriminate based on suspect classifications, such as race or national origin. A regulation may appear to be neutral on its face but may be challenged because it reflects intent to discriminate.

CASE STUDIES

Many ordinances passed by local governments are currently under court review and have not been enforced. In some cases, the laws have already been successfully challenged in the courts based on constitutional arguments.

1. **Hazelton, Pennsylvania** - For example, in Hazelton, Pennsylvania, the Mayor crusaded against undocumented immigrants in his city by claiming an increase in crime and burden on social services in Hazelton after an influx of Hispanic immigrants moved into the area. City officials passed a local ordinance in July 2006 that established an anti-immigration policy known as the Illegal Immigration Relief Act. The Act proposed to deny business permits to any company hiring illegal immigrants and impose fines against landlords who rented to them. The Ordinance was never implemented due to court injunction. The ACLU filed suit to block enactment of the ordinances charging that the Act deprived residents of constitutional rights to equal protection and due process, as well as violating state and federal housing laws. Additionally, they argued the law usurped the federal government's exclusive power to regulate immigration and that allowing every city to set local regulations would create a dysfunctional set of dueling rules and regulations. In July 2007, a Federal judge ruled against the city and struck down the tough anti-immigration law finding that the act is pre-empted by federal law and violated due process.

2. **Farmers Branch, Texas** - Farmers Branch, Texas embarked upon immigration reform nearly two years ago. The City Council unanimously passed a 2006 ordinance requiring the submission by tenants of proof of citizenship or eligible immigration status as a prerequisite to entering into a lease. In response to legal challenges, the rule was revised last year to include exemptions for minors, seniors and some mixed-immigration status families. Citizens endorsed the law in May during the nation's first public vote on a local government ordinance designed to challenge unauthorized immigration.

A federal judge blocked Farmers Branch from enforcing its ordinance after finding that the city ordinance was a regulation of immigration that differed from Federal provisions and, therefore, preempted by federal law.

The city then hired a law firm and consulted with a University of Missouri law professor to redraft the ordinance and address the legal concerns. The result was a new proposal adopted by Council in January 2008 that requires prospective tenants to get a city license to rent houses and apartments. The city continues to face court challenges over its legislation.

3. **Riverside, New Jersey** - Some cities have abandoned their regulations in the face of costly legal challenges. Riverside, New Jersey decided to repeal its anti-immigration ordinance cracking down on employers and landlords in the face of costly litigation. It is significant to note that the costs associated with anti-immigration measures are not limited to the expense of legal proceedings. One business owner was quoted as stating that the law cost the town \$50,000.00 a week in lost business from Brazilians and Latinos.

The inadvertent consequences of these types of ordinances should be carefully considered because they create public policy concerns for local officials. Many cities that have passed anti-immigration legislation have experienced large numbers of residents moving, economic losses, tax revenue failing, and companies avoiding the area because of the difficulty of complying with the laws. Enforcement of local regulations is costly and not as easy as one might assume. It seems like a straightforward concept, either someone is here legally or not, but there are multiple types of immigration status with various forms of proof that complicate the ability to readily determine if someone is violating the law.

Lastly, anti-immigration sentiment and legislation can compromise community relations.

For a more detailed analysis of issues associated with immigration regulation, visit www.migrationinformation.org and reference the National Center on Immigrant Integration Policy which is a crossroads for elected officials, researchers, state and local agency managers, grassroots leaders and activists, local service providers, and others who

seek to understand and respond to the challenges and opportunities today's high rates of immigration create in local communities.

PRO-IMMIGRATION POLICY

In contrast, some local governments are finding new and innovative ways to integrate undocumented residents into the local community and facilitate relationships with the long-time citizenry. Not all cities are passing legislation that discourages immigrants from assimilating locally. Several municipalities have passed pro or at least neutral immigration legislation. Some of these provisions include prohibiting local law enforcement agencies from enforcing federal immigration laws and declaring that people will be treated equally regardless of immigration status. Other local resolutions include supporting English as a second language programs and laws encouraging the federal government to pass comprehensive reform.

Model City Proposal

In New Haven, Connecticut, Yale Law School's Community Lawyering Clinic in collaboration with JUNTA, a nonprofit serving the Latino and immigrant communities in New Haven, and ULA a Latina action group that advocates for immigrant rights, prepared a report entitled "A City to Model – Six Proposals for Protecting Public Safety and Improving Relationships Between Immigrant Communities and the City of New Haven" that they presented to the New Haven City Council in March of 2005.

Latinos account for 50.3 of all Fair Haven's residents. Fair Haven is a port community in New Haven. The report was a proposal to address the unique needs of the Latino immigrant population in an attempt to achieve improvements in the conditions of life for New Haven immigrants. The organizations that worked on this report recognized a need to create an atmosphere of respect and civil treatment for all immigrants including undocumented individuals.

The following comprises the suggestions for local ordinances that would attempt to address the security concerns of the immigrant population, improve the effectiveness of local government, and create opportunities for new types of city-community relationships.

1. **Communicate with Local Banks** - A proposal that the city open up channels of communication and educate banks and other types of financial institutions that customers can open bank accounts without social security numbers. The effort would include helping the banks understand that the law does not require social security numbers to open accounts and to help create reasonable guidelines for acceptable and alternative forms of identification.
2. **City Identification Cards** - This measure would assist residents who cannot participate in community affairs because of identification barriers. The law does not prohibit cities from creating and issuing identification cards.

Identification cards for immigrants would help them in engaging in local commerce such as opening bank accounts. It is not unusual for city governments to issue identification cards for a wide variety of reasons. The National League of Cities has pointed to the example of Washington D.C. in issuing its own identification cards for residents who can prove that they are over 15 years of age and residents of the district.

3. **Police Policy of Non-Enforcement of Federal Immigration Laws** - This provision suggests that the city should implement a police department policy that would recognize that immigration is a matter that is best handled by the federal government. The U.S. Constitution gives Congress the power to set immigration policies. Federal and local authorities have traditionally worked cooperatively on criminal issues but civil matters on immigration have historically been solely a federal concern. After September 11, 2001, the Department of Justice issued a memo that local law enforcement does have the ability to make civil immigration arrests. However, it is up to the city government to decide if they want to enforce these matters locally. A non-enforcement policy would allow police resources to be spent on local crime and may help to build trust between local authorities and the immigrant population.

4. **Police Department Enforcement of Criminal Wage Law** – This item is a proposal for the city to develop a policy to protect undocumented workers from being exploited on the job and in wage payment. This program would create a mechanism for police enforcement of criminal laws that protect workers. The Central Texas Immigrant Workers Rights Center (CTIWorc) in Austin, Texas developed the program that is the model for the rest of the country in this area. CTIWorc worked with the city police and county attorney to enforce the Texas Penal Code criminal provision for theft of service. Under this law, it is a crime to agree to compensate someone for a service and, then after the service is performed, fail to make payment after receiving notice for demand of that payment. Austin advocates were successful in getting the definition of services interpreted to include wages. Therefore, failing to pay wages to immigrant workers is a crime under the statute. The following elements are required for a successful theft of services program: 1) an applicable state or municipal law; 2) relationships with local police and prosecutors; 3) a police department non-enforcement policy regarding immigration laws; 4) a formal procedure for police and prosecutors to process the cases; 5) and a good system for coordinating the management of the complaint and the follow-up process. The Austin program has all of the stated elements and has been successful but this type of program does take considerable time and resources.

5. **Looking to Best Practices Nationwide** - This policy would encourage the city to look to best practices nationwide for improving police-community relations. A city might review initiatives taken by other cities in the country

to improve police department relationships with immigrant communities which may help to build trust and diminish fear so that citizens will cooperate with law enforcement in reporting crime. Police Departments that have effectively instituted best practice multi-faceted programs are Charlotte-Mecklenburg, North Carolina; Las Vegas, Nevada; and Clearwater, Florida. One initiative that has been particularly successful is the establishment of a bilingual and multi-cultural team of officers designated to Latino/Immigrant matters. This program has increased crime reporting, increased accessibility of services, expanded or created information flows, and made response and information gathering more efficient. Other programs include citizen programs such as a Spanish language citizen police academy; administrative solutions such as Spanish language signs and pamphlets, employee cultural awareness training, and police station visit programs for immigrants; and Mayor sponsored outreaches such as establishment of liaison offices or commissions that focus on integrating immigrants into the local government and community.

6. **Creating an Office of Immigrant Affairs** – This recommendation is for the city to establish an office to assist new immigrant residents and help them to familiarize themselves with city services and programs. The department would also provide an opportunity for the city to interact with and learn more about its citizens. The director of this office would act as a liaison to the immigrant community, the Mayor and community based organizations representing immigrants. The department would also create and manage program areas for immigrants. Cities that have already established this type of office are New York, Boston, and Philadelphia.

For a more detailed analysis of pro-immigration policy recommendations, view *A City to Model, Six Proposals for Protecting Public Safety and Improving Relationships Between Immigrant Communities and the City of New Haven*, http://newhavenindependent.org/archives/2005/10/A_City_to_Model.pdf.

SUMMARY

Immigration reform generates much discussion and debate in the United States. Despite the cost and unfavorable court rulings for local governments engaged in anti-immigration reform, many cities and states continue to pass legislation that is hostile towards unauthorized immigrants in their communities. Communities across the nation are experiencing hardship in the form of economic loss, bad publicity, and loss of population as a result of city ordinances targeting immigrants, their families, and their employers. Municipalities need to find new ways to address immigration reform. Some cities are already putting into practice pro-immigration policies to favorable results. These programs are strengthening relationships in the community and improving the effectiveness of local government. Cities need to consider the legalities and goals of the community when deciding what, if any, immigration reforms they want to implement.

PUBLIC RESOURCES AND THE NON-LEGAL ALIEN

The federal policy for immigrants and their access to public resources contains the following three principles:

- immigrants should strive for self sufficiency as their primary goal;*
- immigrants within our borders should not depend on public resources but on their own capabilities, sponsors, and private organizations; and,*
- public benefits should not be an incentive for immigration²*

With that in mind, there are many public programs that are available to classes of immigrants legally within our borders even though they are not citizens. The fact that non-citizens are provided any public services or benefits may be repugnant to some; however, there are instances where aliens, including non-legal aliens, are entitled to services and benefits. This topic focuses primarily on the obligations or restrictions for providing public services and benefits to non qualified aliens, which includes “non-legal aliens” - those who have entered this country unlawfully.

FEDERAL RESTRICTIONS ON PUBLIC SUBSIDIES FOR ALIENS

Title IV of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996³ “PRWORA” prohibits a state or local government from providing public subsidies/benefits to *non qualified aliens*.⁴ Non qualified aliens include some classes of aliens who entered the country lawfully as well as illegal aliens. The following public benefits may **not** be provided to non qualified aliens:

1. Grants, contracts, loans, professional or commercial licenses provided by local government; and,
2. Retirement, welfare, health, disability, public or assisted housing, post secondary education, food assistance, unemployment benefit or other similar benefit for which **payments** are provided to an individual or family by a state or local government agency or by appropriated funds of the same.

PRWORA has several exceptions to the restriction on public assistance. Those exceptions include assistance for health care items and services for emergency medical

² 8 U.S.C.S. section 1601.

³ 8 U.S.C.S. section 1621.

⁴ Federal law defines a qualified alien as: one who is admitted into the United States for permanent residence under Immigration and Nationality Act “INA”; those granted asylum under 208 of the INA; a refugee under 207 of the INA; one paroled into the United States; one detained pending deportation; one granted conditional entry; a Cuban or Haitian refugee; certain battered aliens and their children. 8 U.S.C.S. sec. 1641.

conditions except organ transplant procedures; public health assistance for immunization, and testing and treatment of communicable diseases; and, those programs authorized by the United States Attorney General as long as those programs meet the following criteria:

In kind services provided at the community level, including those offered by public or private non-profit agencies that do not condition the assistance or amount on the individual's income or resources; and, are necessary to protect life or safety.⁵

Attorney General Reno implemented that authority and issued AG Order No. 2353-2001 which set forth the types of program that were authorized to non qualified aliens. Programs covered by this Order are:

1. General government services that are widely available to the public such as police, fire, ambulance, transportation, sanitation and other widely available services.
2. Crisis counseling and intervention programs; services related to child and adult protection services, violence and abuse prevention, victims of domestic violence or other criminal activity; or, treatment of mental illness or substance abuse.
3. Short term shelter or housing assistance for the homeless, for victims of domestic violence, or for runaway, abused or abandoned children.
4. Programs, services, or assistance to help individuals during adverse weather conditions.
5. Soup kitchens, community food banks, senior nutrition programs and other nutritional programs for persons requiring special assistance.
6. Activities designed to protect the life or safety of workers, children, or community residents.
7. Any other program service or assistance necessary for the protection of life or safety.

Caution: The Attorney General exceptions are not permissive; providers may not rely on the PRWORA to deny services covered by this Order.

VIOLATIONS OF PRWORA

PRWORA does not provide any specific criminal or civil penalty for violations; thus, violations may be limited to obtaining injunctive relief. A word of caution, entities should review whether there are any references to PRWORA compliance in a federal

⁵ Id. at section 1621(b)

grant program to which they are a recipient. Federal subsidy programs often contain commitments for the recipient to comply with an array of federal laws unrelated to the grant's purpose. Violations of those requirements may result in forfeiture and/or repayment of the grant funds.

STATE LAW BENEFITS THAT ARE GREATER THAN PRWORA

States may allow non legal aliens to be eligible for any state or local benefit if the state law was enacted after 1996⁶.

IS YOUR ENTITY IN COMPLIANCE WITH PRWORA?

Many public services are secured by an application, verification with a driver's license or other picture identification, and a deposit if needed. Most municipal practices do not seek verification of legal status in this country when issuing a building permit, enrolling a person in a recreation program or providing other services to determine compliance with PRWORA. Should an entity be proactive or reactive to the obligations under PRWORA? Even for the well intended, there are a number of practical hurdles to show compliance with PRWORA, particularly if you are trying to distinguish between qualified and non-qualified aliens.

It is perfectly permissible for a community to require verification of alien status for the distribution of its public benefits under PROWRA.⁷ If communities ask for proof of legal status before providing services or benefits, are there risks to the provider if every applicant is not screened for legal status? If you do not screen every applicant, do you create a legal quandary if inquiries are limited to a specific group(s) of people? However, if information is sought from a certain type(s) of applicant, the entity may be faced with a race or national origin discrimination claim for that practice.

From a practical perspective, discerning who is eligible to receive benefits is not a minor undertaking. Many people in this country are here on various visas including foreign government officials, their families and personal employees; visitors; those under a visa waiver program; aliens in transit; academic students and their spouse and children; temporary workers which may include nurses, fashion models, agricultural workers and their spouses and children; a fiancé of a US citizen including their minor children; intra company transferee, etc. Given the range of classes of legal aliens, will most city employees who administer programs know the visas that are associated with these classes to determine eligibility?

OTHER EXCEPTIONS/PRACTICES THAT ARE WORTH NOTING:

⁶ 8 U.S.C.S. section 1621(d).

⁷ 8 U.S.C.S. section 1625. The Attorney General was directed to establish procedures to determine how verification should be made for the receipt of federal public benefit.

1. Texas offers in-state tuition to undocumented students living in Texas. To qualify, the student must have attended school for a number of years, graduated from high school in Texas, and file an affidavit that they have applied to legalize their status or will do so as soon as eligible. This practice is also done in California, Utah, Kansas, Oklahoma, Illinois, Washington, and New York.⁸
2. Children may attend public schools without proof of documentation and participate in all programs. Plyer v. Doe 457 US 202 (1982). Further an individual who is eligible for free public education benefits shall also be eligible for free breakfast and/or lunch at school without regard to citizenship, alien or immigration status pursuant to the Russell National School Lunch Act and Child Nutrition Acts⁹.
3. Texas requires school districts to offer bilingual and special language programs if there are more than 20 students in a grade level who have limited English proficiency in any language classification. Texas Education Code section 29.053.
4. The Federal Emergency Medical Treatment and Active Labor Act¹⁰ requires a hospital with emergency care facilities to assess and stabilize any patient regardless of financial ability or citizenship. A violation can incur a penalty up to \$50,000 per offense.

IS THERE AN OBLIGATION TO PROVIDE INFORMATION OR SERVICES OFFERED BY A CITY IN A LANGUAGE OTHER THAN ENGLISH?

There are occasions where translation needs must be met. One example is for voting materials to be printed in Spanish for jurisdictions covered by the Voting Rights Act. Thus, ballots are printed in English and Spanish, as well as proposition information that may be published by a city.

Municipal court is another example of the obligation to provide translation for defendants or witnesses. Upon motion by a defendant or a request from a witness, an interpreter shall be appointed. The court may also do so on its own motion. Tex. Gov't Code section 57.002.

Cities that receive federal assistance must comply with Executive Order 13166. The purpose of this order is to ensure applicants with limited English proficiency "LEP" have meaningful access to programs, employment, and benefits and activities that are

⁸ 8 U.S.C.S. section 1623 provides for aliens to be eligible for post secondary education benefits if the same benefit is offered to citizens and nationals without regard to the residency in the State.

⁹ 42 U.S.C.S. sections 1751 and 1773.

¹⁰ 42 U.S.C.S. section 1359dd.

funded in whole or part (including loans) by the federal government. This extends to federal programs that are passed through local governments to administer. To comply with the Order, the following factors are considered to determine whether meaningful access has been provided:

The number/proportion of LEP persons in the eligible service population;
The frequency with which LEP individuals come into contact with the program;
The importance of the service provided by the program; and,
The resources available to the recipient.

In sum, entities will need to evaluate their services, eligible population, and resources to determine the extent to which they must offer translation services to comply with this executive order.

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Education

1. B.A. Texas A&M University – 1989
2. J.D. St. Mary's University – 1993
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Work Experience

1994 – 1995 – Private Practice

1995 – 1999 – Assistant Attorney General

1999 – 2004 – Private Practice – Municipal – represented several general law cities in Navarro County and was the elected City Attorney for City of Corsicana (2000 -2004), Family law, Business litigation.

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Professional

I am currently serving as an Assistant City Attorney III for the City of Plano, Texas in the area of civil municipal law since April 2004. Prior to joining the City of Plano, I was appointed by the Mayor and subsequently elected to three terms as City of Corsicana, City Attorney. I served in that capacity for 3 ½ years. Additionally, as an elected official, I was able to own and operate a small legal practice with a concentration in civil/family litigation and representation of various legal issues for several small general law municipalities in Navarro County. My experience includes handling civil defense for municipalities, contract review and drafting, planning and zoning/revitalization/and beautification issues, ordinance review and writing, economic development issues, land use issues, FEMA, 911 and homeland security issues, cable franchising issues, collections, and municipal court prosecution in addition to advising and providing legal support to various city departments, the Planning and Zoning Commission, the Heritage Commission and the Transportation and Revitalization Commission. I have twelve years civil trial experience.

In addition to holding a merit certification in municipal law from the TCAA, I am certified in mediation dispute resolution training. Furthermore, I was the only municipal member of the Texas VOIP 911 Working Group Model Contract Writing Committee in 2006. Previously, I have served on the following municipal related boards: Tax Increment Financing District (City of Corsicana), Economic Development Corporation

(City of Kerens), City of Corsicana Fireman's Retirement Fund, and U.S. Congressman Joe Barton Advisory Committee.

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A former TCAA President, she now serves on the TCAA Board as its representative to the TML Board of Directors, and is also a regional Vice President for the International Municipal Lawyers Association. She attained the IMLA designation of Local Government Fellow in 2002. Diane is a frequent speaker for the International Center for American and International Law on various employment related topics.

Wolfman, Jordan, and Princess Lola occupy Diane's spare time, and when she can get away from their demands, she is on her Vespa making both a fashion and an eco statement.