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West Warwick Copes with the Aftermath of a Nightclub Fire

by Wolfgang Bauer

As of February this year, it had been two years since the Station nightclub burned to the ground in West Warwick, Rhode Island, taking 100 lives and injuring many people who were attending a band concert at the club. In the aftermath of this fire, a substantial number of things have changed for the town, as well as for those who survived and those who lost their loved ones that horrific evening.

This article addresses some of the challenges that have faced and continue to face the town of West Warwick (population 30,000).

In the Wake of the Event

After the fire, one of the most immediate issues for the town was coping with press coverage. Almost all of the major regional newspapers kept the fire scene and story on the front pages of their papers for a long time. Just hours after the fire, responding to media requests for information had already become a full-time job for two to three people on the town's staff. One of the first requests, for example, was for copies of the fire and police tapes and dispatcher logs. In fact, the regional media requests were so extensive that it began to feel like the town was working for reporters and not for its citizens.

The fire department and the building department, through the town clerk and the solicitor's offices, also had to respond to requests for information that were not directly related to the Station Club fire but stemmed from fire inquiries. For example, queries included how many nightclubs had been inspected, and there were requests for previous inspection reports. Inspection-report requests then broadened to comprise restaurants, schools, businesses, and other public facilities, and each of the reports requested covered the life of the property. This effort ended up involving thousands of pages, and the fire marshal had to refamiliarize himself with the reports to answer media questions accurately.

Probably, the major impact yet to be experienced involves the legal issues and the more than 200 civil claims for monetary damages that had been filed when this article was written. Because the attendees on the night of the concert came from a number of states, the issue of deciding the court of jurisdiction has been at the forefront of the legal activity.

For instance, requests broadened to include fire and building inspection reports for every large site in the town capable of serving as a place of assembly. Many of the requests included inspection reports from five to 10 years ago, and some records that were needed had to be pulled from boxes in storage. Because media representatives wanted everything immediately, a number of court challenges resulted, relating to what information could and could not be released.

Most of the fire and police tapes, logs, and records were requested immediately by the attorney general for an ongoing criminal investigation, thus sealing them from open-records requests. The media then went to court, with the majority of the court effort for the release of records directed both at the town and the state. At the same time, West Warwick Police Department and legal representatives wanted to keep much of the information sealed for investigative purposes and not make it immediately public.

In some cases, we just had an administrative problem in complying with the number of requests within the 10 days allowed by the state records law. But in the end, and after a number of open record challenges, all information was released, including tapes and logs. It is still not unusual to hear excerpts of the tapes on radio and television programs



PM MAGAZINE

FEATURE

Ethics

Litigation Puts Manager in a Bind

Q. A group of local governments went to court to fight the actions of a regional transportation authority. The city council in one of the community's voted to appropriate \$500,000 to fund its share of the litigation costs. The problem is that in recent council elections, a new majority won and these new councilmembers will be installed in a few months. The newly elected majority opposes the litigation and has approached the city manager to ask her not to carry out the current council's directive to fund the litigation costs. How can the city manager ethically handle this dilemma?

A. The manager agrees that she has a legal and ethical obligation to fulfill the duly approved policy of the current city council and has no authority to withhold the payment. She can do her best to explain the role of the city manager to her newly elected bosses, recognizing that the circumstances are less than ideal. Some city and county managers also provide an overview of the ICMA Code of Ethics when they hold orientation sessions for newly elected officials.

Can the Elected Official Reprint the Manager's Article?

Q. The county manager wrote an op-ed article last winter to present the facts on a county commissioner's purchase of property in a community. Now, the county commissioner is running for reelection and wants to reprint the article in a paid newspaper advertisement. The county manager is distressed about the use of his article and wonders if the newspaper "owns" the article that he wrote or if he does? He asked for advice on how to handle the situation.

A. Although the newspaper may own the rights to the article, the county manager should have a say on whether or not one of the commissioners uses his name in a paid advertisement! One of the guidelines for Tenet 7 of the ICMA Code of Ethics makes it clear that members should maintain a reputation for serving all members of the governing body equally and impartially and should not engage in campaign activities for any candidate who wants to become a member of the governing body. The county manager tried to persuade the county commissioner not to reprint the article, and he agreed not to use it.

Ethics advice is a popular service provided to ICMA members. The inquiries and advice are reviewed by the Committee on Professional Conduct, the ethics committee of the ICMA Executive Board. Some of the inquiries are revised and published as a regular feature in PM, to give guidance to members in the big and little ethical decisions they make daily. If you have a question about your obligations under the ICMA Code of Ethics, call Elizabeth Kellar at 202/962-3611; e-mail, ekellar@icma.org; or Martha Perego at 202/962-3668; e-mail, mperego@icma.org.

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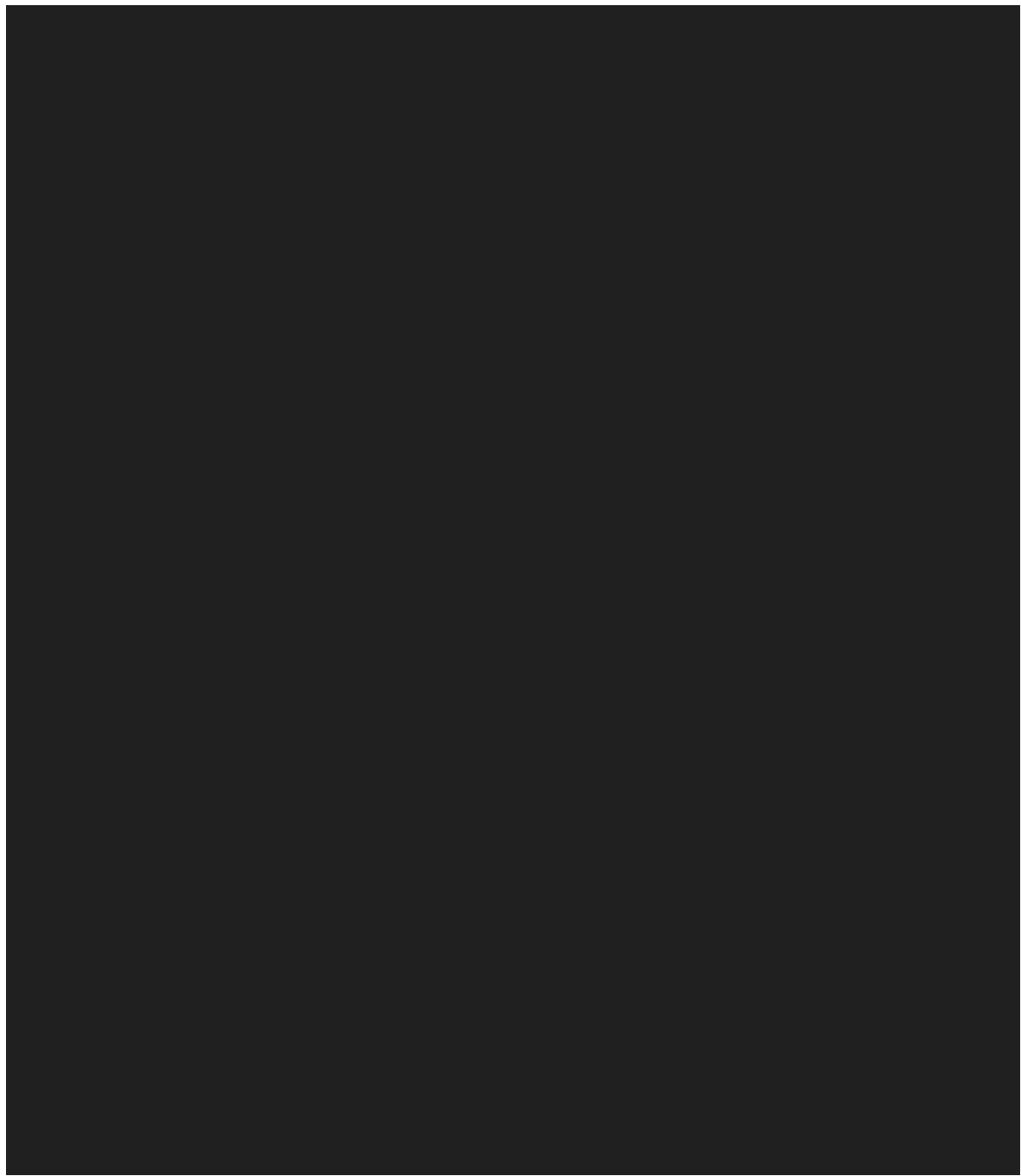


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On Retirement

Public Managers Find Target-Date Funds Attractive

For public managers looking to help retirement-plan participants build retirement security, a new type of investment fund is gaining popularity among public employees: target-date funds.

Choosing the right funds for their retirement portfolios-and monitoring them over time-can prove challenging for many investors. But with target-date funds, also known as "lifecycle" funds, investors simply pick a fund with the target date closest to the year in which they want to retire or to begin withdrawals. The investment professionals then manage the fund to the target date.

Target-date funds simplify an investor's decision making by offering an all-in-one investment strategy that changes with them as they move through the significant milestones in their lives. These funds incorporate ongoing "aging" and "rebalancing" into their design.

Target-date funds are reallocated or aged to reflect an increasingly conservative asset mix (i.e., an increased amount of the fund's assets are moved from equity to fixed-income funds) as each fund approaches its target date. In this way, the overall risk is reduced as the time remaining until withdrawals becomes shorter.

In addition to automatic aging, investment managers also rebalance the funds. Automatic rebalancing-maintaining a target balance between equity and fixed-income funds-ensures that the fund's allocations remain on track.

Retirement-plan providers are now offering a variety of target-date funds. For those investors a bit closer to retirement, funds with a target date as soon as 2010 are available, while those with longer retirement time frames have a selection of funds going out as far as 2035 and even 2040.

Early indications are that public sector employees are finding these funds highly attractive. Little wonder, since participants get a simple, streamlined approach to investing that offers a long-term investment strategy. Plus, they have a diversified portfolio that helps reduce the impact of the market's ups and downs. And they benefit from the experience of investment professionals.

Public managers benefit as well. They can offer plan participants yet another way to reach their retirement goals without adding an additional administrative burden to their already heavy workloads. That's something all of us value in our shared goal of helping public employees build retirement security.

—Joan McCallen
CEO and President
ICMA Retirement Corporation
Washington, D.C.

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