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MUNICIPAL BULWARKS: THE BATTLE FOR CORPORATE ACCOUNTABILITY

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Local governments are a transformative force in redressing a wide range of injuries to their communities, achieving significant settlements and changing corporate behavior. As their effectiveness has increased, often through the use of outside counsel, municipalities face a growing campaign to slow their momentum.

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In advance of IMLA's 2024 Comparative Law Conference in Italy, we speak with **Maria Elena Argento**, the Secretary of the Sicily Region of Unione Nazionale Avvocati Enti Pubblici (UNAEP), the Italian local government lawyers organization we'll meet next October.

ML: Nice to meet you, Maria, as IMLA looks ahead to October 2024 when we'll convene in Italy. Could you tell us a little about how and why you became a local government lawyer?

-I graduated with honors from the University of Palermo in 1986, providing a Constitutional Law thesis on the political responsibility of parties in government crises and an Administrative Law essay on local authorities. After two years of attending courtrooms, in 1988, I qualified to practice as a lawyer at the Court of Appeal of Caltanissetta.

Administrative Law has always been my passion. I really wished to defend public administrations, participate in the formation of laws and the various decision-making processes. So I took part in public competitions for Referendum Councilor at the Legislative and Legal Office of the Sicily Region and at the Local Health Unit of Enna. After being accepted for both, in 1988, I chose to deal with healthcare in Enna. I was entrusted with responsibility for the legal office of the Local Health Unit.

Twelve years later, I qualified to practice in Italian Superior Courts. I am currently the Head of the Complex Operational Unit of the Provincial Health Authority of Enna. I collaborate with various other legal departments and am the contact person for labor law anti-violence issues.

ML: Thank you. We'll be meeting in Lake Como, but please familiarize us with Enna, and some of your favorite things about your city.

-Enna is the capital of the province of Enna, one of nine provinces in the Sicily Region, and is located exactly in the center of Sicily, hence its nickname "Umbilicus Siciliae." Enna is the highest provincial capital in Italy and has around 28,000 inhabitants. It is considered the "City of Myth," referring to the the Myth of Kore (Persephone), which is said to explain the changing of the seasons. Legend has it that the Greek goddess Persephone was abducted on the shores of nearby Lake Pergusa. Pluto (the god of the underworld) fell so madly in love with Persephone that he kidnapped her and took her to his realm. Kore's mother, Demeter wandered for nine days and nights and, in desperation, ceased taking care of her divine duties as Goddess of the Crops. Jupiter, seeing the Earth becoming barren, forced Pluto to return Kore to her mother. Eventually, a compromise was reached: Kore/Persephone would live with her mother for six months (spring and summer) and six months with her husband Pluto (autumn and winter). The Free University of Enna is named after Kore, symbolizing our great cultural identity with the Myth.

The real driving force of the City are its small artisans, restorers, bookbinders, bakers, and restaurateurs. A small jewel is the Duomo, with its wonderful wooden coffered ceiling. Other sites are the castle of Lombardy, the Tower of Frederick II of Swabia, the nature reserve of Lake Pergusa, the Archaeological Museum, the Museum of Myth and the Brotherhoods museum, where precious objects relating to the Holy Week are exhibited. Enna also has two arenas-a University Citadel and a Sports Citadel.

I really like the centrality of my city. From every point, the visitor's gaze extends over golden fields, up to Mount Etna with its spectacular lava effusions. On clear days, you can spot the sea, from which numerous conquering peoples arrived in Sicily over the centuries. Today, Sicilians welcome and easily interact with many different cultures, growing and enriching themselves.

ML: Against that inviting backdrop, what are the laws that govern your city?

-The fundamental pillar of Italy's decentralized government is Article 5 of our Constitutional Charter and Title V of the Constitution. Italy is a democratic Republic divided into twenty Autonomous Regions; fifteen are categorized as "Ordinary Statute" and five as "Special Statute," which allows a measure of home rule. Sicily is among the latter. The Municipality is responsible for functions that serve its residents. These include:

1) demographic services;
2) social services and assistance for the frail, disadvantaged or needy;
3) school and educational services;
4) cultural, sporting and recreational services;
5) mainaining the municipality's real estate assets, allowing private construction subject to evaluating environmental impact compliance with urban planning rules;
6) green maintenance; and
8) urban police; and
9) waste collection (fow which the city applies a tax).

ML- Thank you. And how is your City Government organized?

The city is represented by an elected Mayor, who is also the highest local authority on healthcare matters. He/she can issue, in cases linked to public safety needs, urgent ordinances which can also be carried out with the help of

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local police. During Covid, many such emergency ordinances were issued. Legislative authoity resides in the City Council, made up of twenty members who are elected by the people. Executive power lies with a council made up of individual councillors competent in various subjects and selected by the Mayor. And local judicial power is exercised through Justices of the Peace. They are not appointed and are separate from the legislative and executive powers.

ML-Tell us a bit about your Law Department.

The Department is autonomous and reports to Provincial Health Authority. It is divided according to specializations: administrative and criminal law, tax and corporate law, civil law, and labor law. It consists of three lawyers, two men and a woman, and is assisted by an archivist, and three administrative assistants. Assigments vary by legal and economic complexity. There are three levels: basic professional, simple structure, and complex structure. The latter is the most senior and requires at least five years of managerial experience. I managed Advocacy with a simple structure beginning in 2003 and complex structure assignments beginning in 2017. The positions last five years, and are reconfirmed only after a positive evaluation from a Technical Board--an external commission made up entirely of lawyers from other healthcare companies. We offer performance pay, commensurate with achievement of the percentage of objectives set by a performance plan.

ML: And what is your role?

I am the Director of the Legal Complex Operational Unit. The Director is authorized to provide written and oral opinions to the General Management and to the Managers of the other Complex Units. All opinions, even if provided by other lawyers, must be countersigned by the Director. Apart from that, I prepare an annual report on our activities, draw up our work plans, teach and speak at conferences, and manage relationships with other institutional bodies. I also manage a litigation risk fund of more than 14 million euros.

The Healthcare Agency has four hospitals throughout the province, analysis laboratories, veterinary facilities, pharmacies, family doctors and pediatricians. It has over 4000 employees and many affiliated facilities. Among other things, I deal with professional liability for medical malpractice, procurement, debt collection, and labor law cases brought by employees. And we act as a civil party in trials for crimes against the public administration, to protect the image of the public body damaged by crimes such as fraud, corruption, embezzlement or abuse. At this time, approximately 1800 trials involving all areas of law are pending.

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ML: That's a huge responsibility! Now, as a final item, a question about Italy-besides visiting Enna and Sicily, what are some other sights and experiences you'd recommend for every visitor?

–Definitely Florence is a city most worth visiting, a true jewel. And Rome, of course, and Venice, not to mention Assisi, Matera, Bari, Naples, and you name it. Beyond that, you must not miss the opera at the historic Milan Teatro alla Scala and the concerts at Verona Arena, Bellini Theater in Catania, the Teatro Massimo or Teatro Politeama in Palermo--but above all the ancient drama performances at the Greek Theater of Syracuse located within the Neapolis.

Finally, as a Sicilian, I must recommend tasting Sicilian cassata, which should be considered a gift to humanity, and the jubilation of colors and flavors celebrated in cannoli, arancini, pasta with sardines, Trapani busiate, the Neapolitan pastiera, and the babà. For Italians, you know, food is culture!

ML: Thank you, Maria. We'll see you next October at Lake Como-

Power Surge *cont'd from page 15*

Conclusion

The data center industry is a complex and rapidly evolving sector that enables the technologies upon which we rely. Data centers offer a magnificent opportunity for localities to capitalize on a growing enterprise that provides exponential returns on investment. Business development in the community, taxes for local schools and programs, and opportunities for a well-compensated workforce point to data centers as quality community partners. With intentional planning from community leaders and open dialogue with data center partners, localities can ensure they implement best practices for smart growth of an exciting industry within their borders.

If you would like additional information to better understand the various aspects of this dynamic growing industry (or to discuss Gatorade marketing campaigns of years past), we are available to assist you in exploring the regulatory framework, environmental implications, land use considerations, and economic impact of data centers. impact of data centers.

Notes

1. Other place types included in the suburban policy area, transition policy and JLMA policy area that call for data center development include the Suburban Industrial/Mineral Extraction Place Type, the Transition Light Industrial Place Type, the Transition Industrial/Mineral Extraction Place Type, the Leesburg JLMA Employment Place Type and the Leesburg JLMA Industrial/Mineral Extraction Place Type.
2. As of late 2023, data centers remain allowed permitted by right in the PD-OP, PD-IP, PD-RDP and PD-GI zoning districts and by special exception in the CLI district. Current amendments allow the use in the MR-HI district. Draft performance standards as of late 2023 include additional façade treatment requirements and site planning standards such as loading bay location, location of mechanical equipment screening, refuse collection standards, additional parking setbacks and setbacks to residential development, and noise, light and glare standards.

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