

# **Bond Case Briefs**

*Municipal Finance Law Since 1971*

---

## **PENSIONS - RHODE ISLAND**

### **Retirement Bd. of Employees' Retirement System of City of Providence v. Corrente**

**Supreme Court of Rhode Island - March 9, 2015 - A.3d - 2015 WL 1012257**

City retirement board voted to reduce former employee's pension benefits pursuant to Honest Service Ordinance, and then filed a civil action in Superior Court to confirm its decision. City mayor filed a motion to intervene, arguing that the interests of the mayor and the city were not adequately represented in the action, which was granted. The Superior Court granted summary judgment to the board. Intervenors and board cross-appealed.

The Supreme Court of Rhode Island held that:

- Board's action did not properly invoke either equity or declaratory judgment jurisdiction of the Superior Court, but
- Because Superior Court had been vested with subject matter jurisdiction under newly enacted Public Employee Pension Revocation and Reduction Act, Supreme Court would remand the case for further determinations.

City retirement's board's miscellaneous petition, requesting Superior Court to enter an order confirming board's decision to reduce former employee's pension pursuant to Honest Service Ordinance, did not properly invoke either the equity or declaratory-judgment jurisdiction of the Superior Court. The board, which was not an aggrieved party in the matter, had not sought an injunction or any other variety of known equitable relief but, rather, the petition was brought pursuant to the Honest Service Ordinance in order to obtain the specific relief required by the language of that ordinance.

Statute granting Superior Court jurisdiction to review decisions pursuant to any municipal ordinance providing for the revocation or reduction of pension for dishonorable service did not apply retroactively and, thus, did not remedy Superior Court's lack of subject matter jurisdiction when it adjudicated and issued final judgment on subject miscellaneous motion by city retirement board, requesting Superior Court to enter an order confirming board's decision to reduce former employee's pension pursuant to Honest Service Ordinance, before statute became effective, and Superior Court's final judgment was, therefore, void. However, statute nevertheless encompassed subject case and conferred jurisdiction on Superior Court to act on remand, where case was pending on appeal to Supreme Court at time of statute's passage, and public law enacting statute stated that statute was to take effect upon passage and to apply to all pending proceedings.

Because Superior Court, under newly enacted Public Employee Pension Revocation and Reduction Act, had been vested with subject matter jurisdiction over city retirement board's request for Superior Court to enter an order confirming the board's decision to reduce former employee's pension pursuant to Honest Service Ordinance, Supreme Court would remand the matter, and, upon remand, the Superior Court could conduct further proceedings based upon the record before it, or, in its discretion, it could simply re-enter its previous judgment.

