

# **Bond Case Briefs**

*Municipal Finance Law Since 1971*

---

## **PUBLIC PENSIONS - RHODE ISLAND**

### **Beaudry v. Rossi**

**Supreme Court of Rhode Island - June 9, 2023 - 295 A.3d 349**

Personal representative of firefighter's estate brought action against town arising from dispute over calculation of firefighter's disability retirement benefits. The Superior Court granted town's motion for summary judgment. Personal representative appealed.

The Supreme Court held that:

- Pension plan amendment providing for administrative remedy was not validly enacted by vote of town council;
- Town council did not implicitly ratify amendment via vote on subsequent amendment; and
- Town council did not implicitly ratify amendment via periodic votes ratifying collective bargaining agreement (CBA).

Amendment to town's pension plan that gave town council, sitting as plan administrators, the exclusive right to interpret and decide matters under plan was not validly enacted at time of firefighter's disability retirement, and therefore firefighter was not required to exhaust the administrative remedy set forth in amendment before pursuing action against town arising from dispute over calculation of his disability retirement benefits, where town charter reserved the power to change town's pension plan in town council, town council did not authorize any town official to act on its behalf, and council never voted on amendment.