

Spring 2000

1999 Survey of Rhode Island Law: Cases: Administrative Law

Carly E. Beauvais

Roger Williams University School of Law

Follow this and additional works at: http://docs.rwu.edu/rwu_LR

Recommended Citation

Beauvais, Carly E. (2000) "1999 Survey of Rhode Island Law: Cases: Administrative Law," *Roger Williams University Law Review*: Vol. 5: Iss. 2, Article 8.

Available at: http://docs.rwu.edu/rwu_LR/vol5/iss2/8

This Survey of Rhode Island Law is brought to you for free and open access by the Journals at DOCS@RWU. It has been accepted for inclusion in Roger Williams University Law Review by an authorized administrator of DOCS@RWU. For more information, please contact mwu@rwu.edu.

Administrative Law. *Retirement Board of the Employees Retirement System v. Cianci*, 722 A.2d 1196 (R.I. 1999). The Rhode Island Supreme Court determined that the Retirement Board of the Employees Retirement System (the Board) and employees did not have standing to bring suit against the City of Providence (the City). Since the Board was created by the City's legislative power, it is a part of the City and can proceed against the City only by demonstrating there is a "substantial public interest" warranting special consideration. By explaining the Board's lack of standing, the supreme court clarified a previous decision involving these same parties.

FACTS AND TRAVEL

The dispute between the Board and the City stems from the manner in which the Board chooses to fund the pension system.¹ The City funds part of the system on an annual basis, and separately funds the cost of living adjustment according to a 1991 consent decree.² At the trial level, the superior court held that in the absence of legislation, collective bargaining agreement, or other contractual requirement to the contrary, the City could fund the system however it determines, as long as each beneficiary receives his or her entitlement.³ The superior court determined that the manner of funding the system is a political decision, best decided by the legislature, and as a result was non-justiciable.⁴ The superior court rejected plaintiffs' requests for mandamus and declaratory relief.⁵ Plaintiffs petitioned the Rhode Island Supreme Court for a writ of certiorari. The supreme court granted the writ.

ANALYSIS AND HOLDING

The supreme court dismissed the case for lack of standing.⁶ Chief Justice Weisberger found that the lower court improperly assumed that the Board and the employees had standing to sue the

1. See *Retirement Bd. of the Employees Retirement Sys. v. Cianci*, 722 A.2d 1196, 1197 (R.I. 1999).

2. See *id.* The consent judgment mandates a "pay-as-you-go" basis. See *id.*

3. See *id.* at 1197-8.

4. See *id.* at 1199.

5. See *id.* at 1198.

6. See *id.* at 1199.

City.⁷ By assuming that those parties did have standing, the trial court misread the supreme court's prior holding in *Retirement Board of Providence v. City Council of Providence*.⁸ In that case, the supreme court *did* allow the Board to sue the City.⁹ However, it did so only because the issue, whether the board had the ability to invest retirement funds, involved a "substantial public interest."¹⁰

Noting that the Board was created by the City's legislative power, the supreme court distinguished this case.¹¹ The court held that the Board, like any other municipal department, is part of the City.¹² As part of the City, the Board does not have standing to sue itself. An exception exists only if the Board could demonstrate a "substantial public interest" in allowing the suit to proceed.¹³ The court held there was no imperative public interest in the City's management decisions, so there could be no exception.¹⁴

The court then assessed whether the individual employees had standing to sue the City. In order to establish standing, they must allege a concrete and present injury as an injury in fact.¹⁵ In this case, the employees were able to allege only that they may suffer future harm. Neither employee alleged that they were denied benefits that were due.¹⁶ Concluding that the injury in fact requirement was not met, the court denied the employees standing to sue the City.¹⁷

CONCLUSION

There can now be no doubt that the Retirement Board, as part of the City itself, has no standing to sue the City. Existing confusion is eliminated by the holding of the court that absent substantial public interest, there is no issue present which warrants

7. *See id.* at 1198.

8. 660 A.2d 721 (R.I. 1995).

9. *See id.* (emphasis added).

10. *Retirement Bd. of the Employees Retirement Sys.*, 722 A.2d at 1198.

11. *See id.*

12. *See id.*

13. *Id.*

14. *See id.*

15. *See id.*

16. *See id.*

17. *See id.*

interference with the City's internal decision making. The City should control the operation of its own departments.

Carly E. Beauvais