

February 27, 2025

The Honorable Stephen M. Casey, Chair  
House Municipal Government and Housing  
Rhode Island House of Representatives  
82 Smith Street  
Providence, RI 02903

RE: BILL NUMBER H-5510 – A N A C T RELATING TO TOWNS AND CITIES -- ACTIONS BY AND AGAINST TOWNS

Chairman Casey and Honorable Members of the Committee,

Thank you for the opportunity to submit testimony in opposition to H5510. This bill is a refiled version of last year's legislation, and we continue to align with our partners at the Rhode Island Interlocal Risk Management Trust ("The Trust") in opposing this proposal. H5510 seeks to mandate that cities and towns publicly disclose certain legal and financial information that is otherwise protected under existing laws, including exclusions within the Open Meetings Act and the Access to Public Records Act. This bill is both unnecessary and problematic, posing significant financial and legal risks to municipalities and taxpayers.

### **Concerns Regarding Active Litigation**

One of the most concerning aspects of H5510 is that it requires municipalities to disclose information about cases in which they "are" named defendants, rather than those in which they "were" defendants. This language makes clear that the bill applies to ongoing litigation rather than only closed cases. If transparency is the intended goal, that objective could still be met by limiting disclosures to completed litigation. As drafted, the bill forces municipalities into a position where they must reveal sensitive legal information in real-time, potentially compromising their legal strategies and increasing financial burdens on taxpayers.

### **Conflicts with Legal Protections in Litigation**

Requiring municipalities to disclose expenditures related to litigation, including payments to expert witnesses—directly contradicts well-established rules of evidence and civil procedure. Under existing legal standards, municipalities are not obligated to disclose expert witnesses unless they intend to use them in court. However, H5510 would compel disclosure of all litigation-related expenses, even for experts who ultimately do not testify. This would unfairly advantage opposing parties by providing access to otherwise privileged information, putting municipalities at a significant disadvantage in litigation.

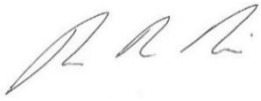
### **Lack of Clarity and Practical Issues**

The bill does not define "legal action", which could be interpreted broadly to include a wide range of municipal activities. It mandates a "short summary of the substantive issues" in each case but fails to specify who is responsible for drafting these summaries, how their accuracy would be verified, or what recourse exists if a summary is disputed. It requires disclosure of court costs and punitive damages, even though these amounts are unknown until litigation is fully resolved.

We appreciate the opportunity to collaborate on efforts that promote transparency while also protecting the legal and financial interests of Rhode Island's municipalities and taxpayers. We stand ready to work with the bill's sponsor to address these concerns and explore alternative approaches that achieve the intended goals without unintended consequences.

Thank you for your time and consideration of our perspective.

Sincerely,

A handwritten signature in dark ink, appearing to read 'R. R. Rossi', with a stylized, cursive script.

Randy R. Rossi  
Executive Director

Cc: Honorable Members of House Municipal Government and Housing