

The Settlement of the Voting Lawsuit.

The lawsuit was aimed at **two** issues:

First, was the BSFD Charter unconstitutional in that it provided voting rights only to property owners, not to non-property-owning residents?

Second, did allowing non-residents to vote unconstitutionally dilute the voting rights of residents?

The Judge answered the first question “yes;” residents must be allowed to vote whether or not they own property.

On the second question, Count III of the original complaint, together with prayers for relief D, E, and F, sought to declare both (1) that allowing non-residents to vote diluted the votes of the named plaintiffs and (2) that in future elections non-residents would not be permitted to vote.

BSFD had moved to dismiss the case, pointing out that the Court could not take away the right to vote without giving the non-residents a right to be heard in the lawsuit.

The judge agreed and dismissed the part of the case that would have taken away those rights.

In the settlement, BSFD and the Plaintiffs acknowledged that dilution declaratory judgment part of the case had been dismissed.

BSFD and the Plaintiffs also acknowledged that the individual Plaintiffs had made out a case of dilution, but the sole remedy provided in the settlement agreement for that is the creation of a Charter Review Committee to address the issues raised in the lawsuit and propose revisions to the Charter.

Under the existing Charter—and the settlement does not change this—any revisions to the Charter do not become effective until approved first by the General Assembly, and then by the voters at an Annual or Special Meeting of the Fire District.