

## **Bonnet Shores Fire District By-Laws**

(As of 2012; includes the 1984 “bluebook” as well as all known amendments made to the By-Laws since 1984)

### **ARTICLE I**

#### **Meetings**

Section 1. **Annual Meeting.** The annual meeting of the district shall be held on the last Thursday of ~~June~~ July<sup>1</sup> in each year at such hour and place within the town of Narragansett as shall be decided by the district council. In the event of the failure to hold said meeting at any time or for any cause any and all business which might have been transacted at such meeting may be transacted at the next succeeding meeting, whether special or annual.

Section 2. **Special Meetings.** Special meetings of the district may be held at any time and at any place within the town of Narragansett whenever and wherever called by the chairman or any three members of the district council, ~~and or~~ shall be called by the chairman whenever requested in writing by fifty (50) qualified voters of the district. The general nature of the business to be transacted at any special meeting shall be stated in the notice for such meeting.

Section 3. **Notice of Meetings.** ~~Notice of Annual or Special Meetings of the district shall be given by the Clerk of the district or in case of his absence, inability or failure to act, by the Chairman of the District Council. Notice shall state the time and place of the meeting and be posted in accordance with the Rhode Island Open Meetings Law in existence at the time of the meeting. Notice shall appear in “The Providence Journal” of Providence, Rhode Island and a Major weekly newspaper published in Washington County, Rhode Island. Said notice shall appear 2 times; the last of which shall appear not less than 5 days prior to the meeting date. Notice of the Annual or special meeting shall be made by mailing notices to all persons named in the list of voters. The notice shall be given by mailing a written or printer notice of the time, date and place where the meeting is to be held not less than 7 days and not more than 21 days before the day of the hearing. Mailing may be accomplished by electronic mail, U.S. Postal Service, or any other service designed to provide actual notice to the person named in the list of voters. Notice shall also be posted on the District’s official web site and bulletin boards within the District not less than 7 days and not more than 21 days before the day of the meeting.~~

Any notice or agenda of an Annual or special meeting may be made by electronic mail sent to the electronic address on file with the District for each Qualified Voter. The Qualified Voter is responsible for providing an electronic mailing address to the District. Any Qualified Voter who wants to continue to receive any notice or agenda, other than by electronic mail must give written notice to the Clerk stating that the Qualified Voter wants to receive such materials via U.S. Mail.

- (a) **Additional Notice of Meetings.** In addition to the notice provisions of Article I, Section 3, Written Notice of an Annual Meeting or any special meeting of the district shall be sent to the taxpayers at

<sup>1</sup> Article I, Section 1 was **amended** to change the date of the Annual Meeting of the Fire District from the “last Thursday in June” to the “third Thursday in July” by an 80-8 vote at the 1999 Annual Meeting of the Fire District. Article I, Section 1 was **amended** to change the date of the Annual Meeting of the Fire District back to the “last Thursday of June” by a 72-10 vote at the 2011 Annual Meeting of the Fire District

the address supplied to the Clerk by the Tax Collector.<sup>2</sup> Bonnet Shores Fire District taxpayers shall be so noticed through 1<sup>st</sup> Class Mail at least 9 days prior to the Annual or Special Meeting as to time and place of said meeting.

(b) The Annual Meeting notice shall include:

- (1) Agenda
- (2) Budget
- ~~(3) Report of Nominating Committee~~
- ~~(4)(3) Report of Tax Collector~~
- ~~(5) Report of Treasurer~~
- (4) Dates of regularly scheduled BSFD Council Meetings.
- (5) Slate of Declared Candidates
- (6) Any referendum(s) to be presented for voting

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(c) Notice of all other meetings of the district shall be given by the Clerk of the district or in case of ~~his~~ their absence, inability or failure to act, by the ~~Chairman~~ Chairman of the District Council. Notice of all meetings shall state the time and place of the meeting and be in accordance with the Rhode Island Open Meetings Laws in existence at the time of the meeting.<sup>3</sup>

Section 4. Quorum. At all meetings of the district a quorum shall consist of at least fifty (50) voters, qualified as hereinafter provided; ~~present in person, or by proxy (as to those cases where voting by proxy is permitted as hereinafter provided);~~

Section 5. Voting at Meetings. ~~Every person irrespective of sex, of the age of eighteen (18) years, who is possessed in his or her own right of real estate in said district of the value of four hundred dollars (\$400.00) over and above all encumbrances, being an estate in fee simple, fee tail, for the life of any person, or an estate in reversion or remainder, the conveyance of which estate shall, if by deed, have been recorded at least ninety (90) days, shall thereafter have a right to vote at all meetings of the corporation. Every person qualified to vote as aforesaid shall vote in person, except that a person in common ownership to real estate may vote as the proxy of the other person who has been verified as being in common ownership in said real estate, provided that such proxy shall be in writing and filed with the Clerk at the meeting at which such proxy shall be used. The proxy shall be in a form to be furnished by the Clerk or otherwise approved by the Clerk. All voting shall be by ballot unless waived by unanimous consent of those present at the meeting and qualified to vote and the action of a majority at any meeting at which a quorum is present shall bind the district.~~<sup>4</sup>

Section 6. Voting List. The Tax Collector of the district shall prepare or cause to be prepared for the annual meeting and have present at said meeting and at all subsequent meetings until the next annual meeting and open throughout said meetings to the inspection of all persons present thereat a list of all qualified voters examined, approved and certified by ~~a majority of the assessors of taxes of the district~~ the tax collector.

<sup>2</sup> The first sentence of Article I, Section 3 (a) was **approved** at a July 29, 1993 Special Meeting of the Fire District. The remainder of Article I, Section 3 was **amended** by an 88-0 vote at the 1999 Annual Meeting of the Fire District (see footnote 3).

<sup>3</sup> Article I, Section 3 was amended (to require that notice of Annual and Special Meetings appear in any Washington County newspaper, rather than specifying The Narragansett Times, and to require that notice of Annual and Special Meetings be mailed directly to all Fire District taxpayers) by an 88-0 vote at the 1999 Annual Meeting of the Fire District.

<sup>4</sup> Article I, Section 5 was **amended** by virtue of the Rhode Island General Assembly's passage of legislation in 1985, which decreased the minimum voting age from twenty one to eighteen, increased the minimum property value a property owner must own to vote in Fire District elections from \$134.00 to \$400.00 and altered the Fire District's rules for voting by proxy at Fire District meetings. Additional language covering these voting rules can be found in the 1985 legislation, which is included in the Fire District Charter.

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## ARTICLE II

### District Council

Section 1. Number and Qualification. The business and affairs of the district shall be managed by a district council of seven (7) qualified voters.

Section 2. Election and Term of Office. ~~The Election A Nominating Meeting~~ Committee consisting of ~~seven (7)~~five (5) qualified voters of the district, and two (2) members of the Council to be named by the Council, shall be elected at each annual meeting to ~~present at the next subsequent annual meeting a slate of officers~~ approve eligibility of declared candidates and work with Clerk and District Manager to organize the annual meeting. The members of the district council shall be elected at the annual meetings. Successors to the members of the council whose term shall expire in the year fixed for the annual meeting shall be elected to hold office for a term of three (3) years and may be eligible for one additional (3) three year term. ~~-At the expiration of such term, they shall be ineligible for re-election within one (1) year. Vacancies shall be appointed by the Council to serve the remainder of the unexpired term. Chair of Council shall serve a maximum of two (2) consecutive years.~~

Section 3. Powers. In addition to the powers and authorities by these by-laws expressly conferred upon them, the district council shall have general supervision and management of the business and affairs of the district and may exercise all such powers of the district and do all such lawful acts and things as are not by law, or by the charter or ~~by~~ these by- laws directed or required to be exercised or done by the qualified voters of said district. Without prejudice to the general powers conferred by the last preceding clause and the other powers conferred by law, ~~by~~ the charter and ~~by~~ these by- laws, it is hereby expressly declared that the district council shall have the following powers: ~~that is to say:~~

- (a) from time to time to adopt such rules, regulations and ordinances to enable it to fulfill its corporate purposes as are permitted by its charter and to provide such penalties for the breach of said rules, regulations and ordinances as are fixed by said charter;
- (b) from time to time to provide such penalties as are fixed by the charter for the breach of any provision of these by-laws;
- (c) to employ, appoint and remove with our without cause all employees and agents of the district, and except as herein provided, to fix their compensation; to make and execute or authorize to be made and executed all ordinary contracts, purchases and sales for the account of the district; provided, however, that the total expenditure to be made under this provision shall not exceed in any one fiscal year the amount of money available from taxes for said year; to authorize and supervise the expenditure and investment of all its funds; and to authorize the execution and delivery on its behalf of all contracts, deeds, mortgages, leases, transfers, conveyances and other corporate instruments, whether of a like or different nature;
- (d) to determine from time to time the rate at which taxes shall be assessed by the assessors of taxes of said district, provided, however, that the tax assessed and payable in any one year shall not exceed seven (7) mills on each dollar of valuation of property in the district as defined in the charter.

Section 4. Meetings and Notice Thereof. A meeting of the district council shall be ~~held~~ held immediately following the results of the annual election or as soon as convenient after each annual meeting of the district or if such annual a special meeting meeting be for any cause omitted, then after any

~~special meeting held in lieu of such omitted annual meeting.~~ At said meeting said council shall organize and elect a ~~chairman~~ Chair and ~~vice chairman~~ Vice Chair from its membership.

Regular meetings of the district council may be held at such place either within or without the district and at such time the district council may by vote from time to time determine. Special meetings of the district council may be held at any time and at any place within or without the district, whenever and wherever called by the council, the ~~Chairman~~, or any three (3) members of the council requesting such a meeting in writing to the clerk. In the absence of a clerk, or his inability or failure to act, notice of such meetings of the district council shall be given by the ~~C~~ chairman. Notice of all meetings of the district council shall be given to each member ~~at the address in person, or by mail, telephone, or telegram, addressed to his or her place of residence or business, as~~ listed with the clerk, at least two (2) days prior to the date of such meeting.

Section 5. Quorum. A majority of the whole number of the members of the district council holding office ~~for the time being~~ shall constitute a quorum for the transaction of all business but less than a quorum may adjourn a meeting from time to time.

Section 6.<sup>5</sup> Compensation. Members of the district council shall serve without compensation.

### ARTICLE III

#### Officers and Committees

Section 1. Enumeration of. In addition to the members of the district council, the officers of the district shall be a moderator, clerk, treasurer, ~~three assessors of taxes~~ tax assessor, ~~collector of taxes~~ a tax collector ~~and one or more fire wardens and a fire warden~~, which officers shall be elected annually. All officers shall be qualified voters of the district.

Section 2. Election and Term of Office. At the annual meeting and at each subsequent annual meeting of the district, officers to be elected shall be elected by a majority vote of the qualified voters of the district present including absentee ballots at such meeting. Each officer shall be elected to serve until ~~his~~ their successor is elected and shall qualify. Committees, the respective chair ~~person~~ men of which shall be ~~a member~~ s of the district council, will ~~may~~ be appointed by the district council ~~from time to time~~.

Section 2 (a). Ties. Ties. In the event that an election held for district council, district land trust, district nominating committee or for any other district office enumerated in Article III results in a tie vote, a special election will be held within 30 days of the annual or special meeting whereby two or more candidates each receive the same number of total votes at an Annual or Special Meeting of the district, the candidates with the same number of votes will partake in a game of chance to resolve the tie. The Clerk of the district shall oversee the special election, ~~the game of chance. The winner of the game of chance shall win the election for that office and be seated in that office.~~ The Clerk of the district shall provide the result of the game of chance in special election in an addendum to the minutes of the Annual or Special Meeting.

~~In the event the election for the Clerk of the district results in a tie vote, the Moderator of the District~~

<sup>5</sup> To comply with the Rhode Island Open Meetings Act, the pre-1999 version of Article II, Section 6, which read, "Any vote, resolution or other form of action which shall be in writing and signed by all of the members of the district council, and filed with the clerk, shall constitute action of the district council without any meeting of the district council," was ~~deleted~~ and the pre-1999 version of Article II, Section 7, (regarding compensation) was ~~renumbered~~ to Article II, Section 6 by an 83-4 vote at the 1999 Annual Meeting of the Fire District.

~~shall oversee the game of chance to determine which candidate shall serve in the office of Clerk.<sup>6</sup>~~

Section 2 (b). Recounts. Any candidate for district council, district land trust, district nominating committee or for any of the district offices enumerated in Article III may request a recount of the votes cast for the office at an Annual or Special Meeting of the district. The candidate requesting the recount must make the recount request before the Annual or Special Meeting ~~within 24 hours of the adjournment of the meeting is adjourned. In response to the recount request, the Moderator of the district must conduct and oversee the recount before the Annual or Special Meeting is adjourned.~~ The recount process shall take place in the following manner:

- (i) All candidates for the office being recounted may identify up to two (2) qualified voters of the district to participate in the recount
- (ii) These designated recount participants shall recount the ballots at the prescribed place and time during the Annual or Special Meeting
- (iii) The Moderator shall not count or recount any ballots, but shall resolve any disputes.
- (iv) The Moderator shall tally the results provided by the recount participants.

The Moderator's tally of the recounted ballots shall provide the official and final result for that office. The clerk shall include both the results of the original count and the results of any recount in the minutes of the Annual or Special Meeting.

If the election of the Moderator is being recounted or the Moderator is unable to perform the recount, the clerk of the district shall conduct and oversee the recount.<sup>7</sup>

Section 3. Moderator. It shall be the duty of the moderator to preside at all meetings the annual meeting of the district. ~~He shall also perform such other duties as may from time to time be assigned to him by the district council.~~ In the event of their his absence, inability or failure to serve, the council shall appoint a moderator for that meeting.

Section 4. Clerk. It shall be the duty of the clerk to attend all monthly meetings of the ~~district and of the district council and to keep the records of all meetings ings of the district and the district council;~~ to give or cause to be given notice of all meetings of the district council of which notice is required by the Open Meetings Act. ~~He shall also perform such other duties as may from time to time be assigned to him by the district council.~~ In the absence of the clerk at any meeting of ~~the district or~~ the district council, the records of the proceedings shall be kept and authenticated by such other person as may be appointed for that purpose at the meeting.

Section 5. Treasurer. ~~It shall be the duty of the treasurer to receive and account for all moneys arising from the collection of taxes, sale of bonds and otherwise, and to deposit or invest the same in accordance with the direction of the district council. He shall have custody of the corporate seal and books of account of the district. He shall keep or cause to be kept accurate books of account and shall present at each annual meeting of the district a statement showing the financial condition of the district and shall upon request produce from time to time to the district council a full account and such books of account and other papers and documents in his possession as they may from time to time require. He shall give a bond for the faithful performance of his duties in such amount and with such surety or sureties as may be approved by the district council. The premium for said bond shall be paid by the district. He shall also perform such other duties as may from time to time be assigned to him by the district council.~~ It shall be the duty of the treasurer to receive and account for all money arising from the collection of taxes, sale of bonds and otherwise, and to deposit or invest the same in accordance with the direction of the district council. The Treasurer shall have custody of the corporate seal and books of account of the district. The Treasurer shall prepare and present for approval an annual budget for new or ongoing expenses. The Treasurer shall maintain and enforce a procedure for committing and approving expenditures that are included in the annual budget in addition to commitments that are not included in the annual budget. The Treasurer shall keep or cause to be kept accurate books of account and shall present at each

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<sup>6</sup> Article III, Section 2(a) was approved by a vote of 103-33 at the 2010 Annual Meeting of the Fire District.

<sup>7</sup> Article III, Section 2 (b) was approved by a 106-29 vote at the 2010 Annual Meeting of the Fire District.

~~annual meeting of the district a statement showing the financial condition of the district consistent with generally accepted accounting principles and shall upon request produce from time to time to the district council a full account of the year-to-date actual and forecasted expenses. The Treasurer shall give a bond for the faithful performance of their duties in such amount and with such surety or sureties as may be approved by the district council. The premium for said bond shall be paid by the district.~~

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Section 6. ~~Assessors of Taxes~~Tax Assessor. The assessors of taxes shall assess taxes on all ~~taxable inhabitants and~~ taxable property within the district as of December 31 in each year at such rate as may from time to time be determined by the district council and such assessment shall be committed by them to the collector of taxes of said district. In the assessment of the taxes the assessors of taxes shall follow generally the practice and procedure adopted by the corresponding officers of the town of Narragansett, Rhode Island. The ~~assessors of taxes~~Tax Assessor shall prior to each annual meeting of the district examine, approve and certify the list provided for in Sec. 6 of Article I hereof. ~~They shall also perform such other duties as may from time to time be assigned to them by the district council.~~

Section 7. ~~Collector of Taxes~~Tax Collector. The collector of taxes shall collect and pay over to the ~~Treasurer of the district~~officer in said town of Narragansett. ~~He~~This individual shall give bond for the faithful performance of his duties in such amount and with such surety or sureties as may be approved by the district council. The premium for said bond shall be paid by the district. ~~He shall receive such compensation as shall be voted at the meeting of the district at which he is elected and before entering upon his duties he shall file with the clerk a written acceptance of the compensation fixed by the terms of said vote. He shall endeavor to keep a current mailing list of all taxpayers. He shall also perform such other duties as may from time to time be assigned to him by the district council.~~

Section 8. Fire Wardens. The fire wardens shall have such powers and duties as are generally exercised in fire districts within the state of Rhode Island, ~~and shall also have such powers and shall perform such other duties as shall from time to time be delegated or assigned to them by the district council.~~

Section 9. Compensation. Except as herein otherwise provided, and except as from time to time otherwise provided by vote of the qualified voters of the district, no officer or member of any committee of the district shall receive any compensation for ~~h~~theirs services in such capacity.

Section 10. Absences. Any elected official of the District with ~~four (4)~~6 absences within a 12 month period may be removed from office ~~after a public discussion at the next regular or special district council meeting~~ and ~~the~~his position may be filled at any regular meeting of the council. Said appointee shall serve until the next subsequent annual meeting of the district, or until a special meeting of the district is called to fill the vacancy.<sup>88</sup>

~~all taxes. In the collection of taxes he shall follow generally the practice and procedure adopted by the corresponding~~

## ARTICLE IV

### Vacancies

Section 1. Filling of. Any vacancy in any office of the district due to death, resignation, or inability to serve ~~due to illness or other for any cause, may~~shall be filled by the Council within 60 days of resignation at any regular or special meeting of the council. Said appointee shall serve until the next subsequent annual meeting of the district, or until a special meeting of the district is called to fill the vacancy.

<sup>88</sup> Article III, Section 10 was **approved** by a 78-10 vote at the 1999 Annual Meeting of the Fire District.

## **ARTICLE V**

### **Signing of Corporate Instruments**

Section 1. Signing of Checks, etc. All checks, drafts, orders and obligations of the district for the payment of money, notes, deeds, contracts, mortgages, leases, bonds and other corporate instruments must be signed and delivered by such officer or officers, or other person and/or persons as the district council may from time to time designate.

## **ARTICLE VI**

### **Fiscal Year**

Section 1. End of. The fiscal year of the district shall end on the thirtieth day of April in each year.<sup>9</sup>

## **ARTICLE VII**

### **Roads**

Section 1. Miscellaneous. By vote of the district council moneys of the district may be expended for the purpose of repairing and maintaining roads within the district, all of the roads within said district being private roads, but the district shall not be liable to any person or persons whatsoever, whether or not residents of the district, for any damages resulting from or caused by the condition of any of said roads or any defect therein or any other cause whatsoever.

## **ARTICLE VIII**

### **Seal**

The seal of the district shall be in the form of a circle and shall bear the full name of the district and the words "Rhode Island 1932."

## **ARTICLE IX**

### **Amendment of By-Laws**

Section 1. Method of Amendment. The by- laws may be altered, amended or repealed at any annual or special meeting of the district by the affirmative vote of two-thirds (2/3) of the qualified voters of the district present including absentee ballots at such meeting; provided that notice of said meeting shall state the substance of the proposed amendment; and provided further that no amendment shall be made which shall conflict with the charter except upon the previous amendment of the charter in that respect according to law.

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<sup>9</sup> Article VI, Section 1 was **amended** to change the end of the district's fiscal year from the "thirtieth day of June" to the "thirtieth day of April" by a 134-3 vote at the 2010 Annual Meeting of the Fire District.