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BY E-MAIL AND FIRST-CLASS MAIL

November 16, 2023

Carol O'Donnell
Chair Person
Bonnet Shores Fire District Council
130 Bonnet Shores Road
Narragansett, RI 02882

RE: Demand for Special Meeting

Dear Ms. O'Donnell:

As you know, I represent the interests of the Bonnet Shores Beach Club Condominium Association (hereinafter "the Beach Club"). We are in receipt of a Demand for Special Meeting of the Bonnet Shores Fire District (BSFD) dated November 14, 2023 that contains the following provision:

Voting at said Special Meeting shall be limited to Qualified Voters of the District, as such are defined in Paragraph 1 of the Consent Judgment entered in the Washington County Superior Court on May 22, 2022 in the matter of *Mary Burke Patterson et al v. The Bonnet Shores Fire District, C. A. No. WC-2020-0130*.

Paragraph 1 of the aforementioned Consent Judgment states the following:

1. The Court having granted summary judgment in favor of the Plaintiffs on Count I of the Complaint. . .beginning with any Bonnet Shores Fire District Annual Meeting or Special Meeting (each, a "Meeting") held after the date hereof, every citizen of the United States of the age eighteen years or over who has had residence and home in the Bonnet Shores Fire District for thirty days next preceding the time of voting, who has resided thirty days in the Bonnet Shores Fire District, and whose name shall be registered at least thirty days preceding the time of voting as provided by the Bonnet Shores Fire District Charter, shall have the right to vote for all offices to be elected and on all questions submitted to the electors.

The Beach Club is well aware of the position, taken by the plaintiffs in the *Patterson* case, that the Consent Judgment precludes Beach Club members who do not satisfy the conditions set forth in the aforementioned Paragraph 1 from voting at the Special Meeting. This position misstates the Court's determination of the rights of the parties with regard to voting.

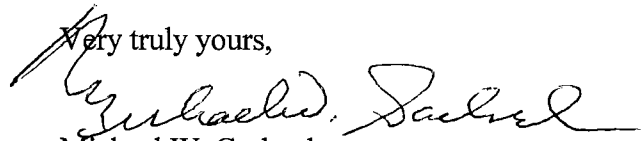
In her December 17, 2020 Decision on the Bonnet Shores Fire District's Motion to Dismiss for Failure to Join Indispensable Parties, Judge Sarah Taft-Carter stated the following:

[P]laintiffs requested a declaration that would indeed affect the voting rights of the nonresident property owners by disenfranchising them. . . Furthermore, the interest at stake is the fundamental right to vote. . . Similar to *Flynn*, the nonresident property owners share a common interest with the BSFD residents in governmental matters. . . For instance, the nonresident property owners are taxpayers who have a financial stake in the outcome of BSFD's elections because taxation in the district is for many purposes, including the maintenance of streets, as well as the water supply system. Indeed, these interests potentially affect the nonresident property owners as well as residents of the BSFD.

Accordingly, the issuance of such a declaration in requests D, E and F¹ by this Court would directly affect the BSFD's nonresident voters by stripping them of their right to vote under the BSFD Charter. Therefore, the nonresident owners are indispensable parties as to requests for relief D, E and F pursuant to §9-30-11, and, thus, *failure to join them is fatal*. (emphasis added).

Plainly stated, the Consent Judgment does not preclude the right of nonresident Beach Club property owners to vote in annual or special meetings of the Bonnet Shores Fire District in any way because the Court dismissed the plaintiffs' claim to disenfranchise this particular class. Accordingly, we urge you to reject any effort made by the plaintiffs in the *Patterson* case or any other individuals to preclude nonresident Beach Club owners from voting in any upcoming election.

Very truly yours,



Michael W. Garland

MWG:mm

cc: Client

¹ D. A finding and declaration that the distribution of voting rights to nonresidents of BSFD is unconstitutional under the Fourteenth Amendment of the United States Constitution.

E. A finding and declaration that the distribution of voting rights to nonresidents of BSFD is unconstitutional under Article I, §2 and Article II, §1 of the Rhode Island Constitution.

F. A finding and declaration that subsequent elections for BSFD must be open only to all residents of BSFD who are over eighteen years of age, consistent with Article II, §1 of the Rhode Island Constitution.