

Bonnet Shores Fire District
130 Bonnet Shores Road
Narragansett, RI

Charter Commission
Agenda
November 14, 2023
6:30 pm

In person and via Zoom
See zoom link at end of agenda

The Charter Commission extends the invitation to the District Council to join us as we discuss alternate proposals for the Proposed Amendment changes to the Charter.

Call to order

Motion to approve minutes for October 11, 2023 and October 18, 2023

Procedure for meeting's discussion and public comment.

Motion to discuss and possible votes to approve or reject the alternate proposals below to the BSFD Charter. See Charter at (https://bonnetshores.org/wp-content/uploads/2022/07/BSFD_-_Bonnet_Shores_Fire_District_and_Land_Trust_CHARTERS_with_Amendments_through_2012_-1.pdf)

The following have been submitted:

Mark Michelson

1. Section 6 of Charter to be changed as follows:

The Council shall consist of not less than three and not more than seven members. One Council member shall be appointed by the Bonnet Shores Beach Club and all other Council members shall be elected by the qualified voters of the district. The appointed Council

member shall have the same and full voting powers on all matters as elected Council members.

2. Motion to discuss and a possible vote to have this Committee consider allowing real property owners designated as 'Residential' by the Town of Narragansett vote in upcoming elections. This group of taxpaying citizens, most certainly has a 'Substantial Interest' in the affairs of the Community. Collectively this group funds 52.7% of the budget and represents 41.5% of the proposed electorate. There should be no 30; 60; 90 day residential requirement for this class of voters. We should allow those owning residential properties voting rights based on meeting the Substantial Interest test summarized in Conley's memo. (<https://bonnetshores.org/wp-content/uploads/2022/10/Effects-of-Decision-memorandum.pdf>.) I would strongly advise the Committee to read the current Charter and Bylaws of Shady Harbor; Watch Hill; and Misquamicut -3 similar Fire Districts that allow owners of real taxable property to vote alongside registered residential voters. The relevant portions are found at the end of the agenda)
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Faith LaSalle

Section 2A

Qualified Voters:

All Qualified Voters must be citizens of the United States.

- (1) Every person of the age of majority (18 years old or older) who has a "residence and home," as set forth in the Rhode Island Constitution, in the District, and who shall be qualified and registered to vote with the proper authorities of the Town of Narragansett at least thirty (30) days before the Annual Meeting or a special meeting, regardless of whether they own real property. Residence for voting purposes is one's fixed and established domicile as defined under R.I.G.L. 17-1-3-1.
- (2) Every person of the age of majority (18 years old or older) who is an owner of residential taxable real property in the District, for at least thirty (30) days before the Annual Meeting or a special meeting.
- (3) Every trustee or a single designated representative or other entities (corporations, partnerships, LLCs) of the age of majority (18 years old or older) that own residential taxable real property in the District, for at least thirty days before the Annual Meeting or a special meeting. In lieu of the trustee, beneficiaries of the trust who are persons of the age of majority (18 years old or older) may vote.
- (4) Commercial taxable real property, which includes condominiums at the Bonnet Shores Beach Club, shall be entitled to designate one person of the age of majority (18 years old or older) to vote. This voter shall be designated and registered with

the District at least thirty (30) days before the Annual Meeting or special meeting by an affidavit filed with the District.

Any voter who is qualified and registered voter with the Town of Narragansett or the owner of residential taxable real property in the District shall not be entitled to vote as the designated person of the BSBC condominium unit or other commercial property, or as a trustee of a trust or single designated representative of a corporation, partnership, LLC.,

Seasonal renters or occupiers who do not qualify to vote under sections 1,2,3 or 4 are not qualified voters in the District.

Section 2B:

The Assessors (or Canvassers) shall determine Qualified Voters. Verification shall be based on the current tax assessment list for the District maintained by the Town of Narragansett and the current voting list for the town of Narragansett.

Section 2C:

Motion to discuss and possible vote that The Council shall not endorse an amendment to change the qualified voters until a referendum question supporting the proposal has been approved by a 2/3 majority of the qualified voters at an Annual Meeting before submission to the Rhode Island General Assembly. Once the Rhode Island General Assembly enables a vote on the amendment, it shall be presented to the qualified voters for approval by 2/3 of the majority of those voting, as an amendment to the Charter.

The Charter provision on who is a qualified voters in the District elections shall not be amended or changed until first presented as a referendum question approved by 2/3 of those voting, and then, after approved by the General Assembly, by a thirds (2/3) vote in favor of an amendment by the qualified voters as defined above.

Public Comment

Adjourn

Join Zoom Meeting

<https://us02web.zoom.us/j/88002909861?pwd=dWl1VFFSdXE1bEVQRVBJMGMzY1QyZz09>

Meeting ID: 880 0290 9861

Passcode: 852455

One tap mobile

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**Relevant portions of Three Fire District Charters
(Watch Hill, Misquamicut, Shady Harbor)**

Watch Hill:

SEC. 2. Every person who is duly registered and eligible to vote in a general or special election in the Town of Westerly from a registered address within the District (a “registered voter”), and every owner of real property within the District which is subject to taxation by the District, shall be qualified to vote at any annual or special meeting of the District or at any adjournment thereof. Provided, however, that a registered voter may only cast a single vote, notwithstanding his or her ownership of property within the District, and every owner of real property within the District may only cast a single vote, notwithstanding his, her, or its ownership of or ownership interest in more than one lot or parcel.

The ownership of real property shall be determined by reference to the records of the tax assessor of the District, which records shall be based on the land evidence records of the Town of Westerly. Provided, however, that, if the ownership of any real property shall be held by an entity (corporation, partnership, limited liability company, trust, or other such entity) which is owned by more than one person, then only one vote shall be cast on behalf of such ownership. The trustees of each trust shall be deemed to be the owner thereof.

The authority to cast said single vote on behalf of the ownership of an entity shall be determined and evidenced by an affidavit of the person casting such vote (made under the penalties of perjury) that he or she is duly authorized to vote on behalf of said ownership. Affidavits for such purpose shall be made available at the office of the Fire District and shall be in the following form:

The above affidavit shall be sworn to before a Notary Public. Upon execution of such an affidavit on behalf of the ownership of any real property held by an entity (corporation, partnership, limited liability company, trust, or other such entity) which is owned by more than one person, such affidavit shall remain in full force and effect and shall continue to evidence the voting authority of such person on behalf of such ownership until such time as the District receives an affidavit in the above form authorizing another person to vote on behalf of said ownership.

Any person so qualified to vote in the District shall be qualified to be a candidate for, and hold office in, the District. Ownership of an interest in an entity shall be proven by documents constituting a public record or by the records of the entity maintained in due course as part of the business records of such entity.

Misquamicut:

SECTION 2. Qualifications for Electors

Every citizen who is of the age of majority and who owns taxable real property in said district shall be eligible to vote as a qualified elector of said district in any annual or special meeting and for such other purposes as provided herein; and, notwithstanding the foregoing, any inhabitant of the town of Westerly who is qualified and registered to vote in said town’s affairs and is a legal or permanent resident within the Misquamicut Fire District shall be so qualified as an elector regardless of whether such inhabitant owns such taxable real property.

Shady Harbor:

Article 2 - Qualified Voters/Voting:

Section 1 - Qualified Voters who are present in person shall be eligible to vote at any Annual Meeting or special meeting of the District, or at any adjournment thereof. Qualified Voters shall mean (1) every person of the age of majority according to the Laws of the State of Rhode Island who is the owner of real property located within the District, and (2) every person of the age of majority according to the Laws of the State of Rhode Island who is a resident (as defined by RIGL 17-1-3.1) within the District for at least thirty (30) days prior to the date set for the Annual Meeting or special meeting and who shall be registered to vote with the proper authorities of the Town of Charlestown at least thirty (30) days prior to the date set for the Annual Meeting or special meeting.

Section 2. In determining who may be a Qualified Voter the following guidelines may apply: if the owner of real property is a trust, each person of the age of majority who is a beneficiary of the trust may vote, and if no such beneficiaries are present at the meeting the trustee of the trust who is a person of the age of majority may vote on behalf of the beneficiaries; if the owner of real property is a partnership, each person of the age of majority who is a general partner of the partnership may vote; if the owner of real property is an estate, the trustee or executor of the estate who is a person of the age of majority may vote on behalf of the estate; and if the owner of real property is a limited liability company, each person of the age of majority who is a principal shareholder of the limited liability company may vote. Corporations and shareholders of corporations are not eligible to vote.

Section 3. The Assessors shall determine which persons are Qualified Voters. The Assessors shall prepare a list of Qualified Voters for use at District meetings and shall keep said list current. The Assessors shall have said list available at each Annual and special meeting of the District and said list shall be used to determine those persons who may vote on matters to come before such meetings. Said list shall be based on the assessment list and voting list of the Town of Charlestown. Section 4. The Assessors, in consultation with the Moderator and the Chair of the Nominating Committee, may prepare ballots for use by Qualified Voters for the election of officials or to vote on any other matter at the Annual Meeting or a special meeting of the District. If ballots are used the Assessors shall be responsible for distributing ballots, collecting ballots, counting the votes and announcing the results of the votes.