

**BONNET SHORES FIRE DISTRICT COMMISSION COMMITTEE
MINUTES OCTOBER 11, 2023**

Call to Order: Chair Carolyn DiLeo called the meeting to order at 6:30 PM. Members in attendance included: Anita Langer, Bob Patterson and Lloyd Albert. Faith LaSalle was absent. Secretary, Carole Duffy and Zoom master, Dave Kaufman were also in attendance. Eight residents were also in the hall.

Ratification of Minutes: Bob moved to accept the **July 31, 2023 minutes** to be accepted as originally written with Lloyd's amendment; 2nd Lloyd. Motion passed 4-0. (Faith had requested an amendment but the Zoom recording she referenced was difficult to hear and since she was absent to clarify, no amendment was added.)

Bob moved to accept the **August 15, 2023 minutes** as originally written; 2nd Lloyd. Motion passed 4-0.

*Please refer to the Zoom recording of this meeting in order to hear the **verbatim** discussion.*

Discussion ensued to consider a proposal by Richard Mercier which would allow one vote per one unit at the BSBC. This suggestion was later re-introduced by several others including an unnamed Representative's statement to the BC President sometime this spring. Bob stated that we must look at each of the subsequent proposals being suggested in order to examine not only the precedence it sets but also the future unintended problems. He reminded us that we approved unanimously in August to present an amendment that all residents of Bonnet Shores and who are Town of Narragansett registered voters are eligible to vote. This is without question. Now, this next proposal to allow one vote per one unit at the BC must be examined carefully. 00:13:41

Bob presented a document and spoke to its content titled Analysis: Giving Each Beach Club Unit One Vote in Fire District's Elections Would Be Unconstitutionally Dilutive. *Bob's analysis will be included as an attachment to these minutes.* Bob asked for clarification of the size of each unit and was told that bath houses are 4'x4' and minidbls are 4'x8'. There are 407 bath houses and 206 minidbls for a total of 613 out of 930 units. He listed several problems as he sees it: Point #1. Based on the numbers provided by the treasurer and others, there are 950 registered voters in the district. There are 930 units at the BC for a total 1880 votes. Allowing one vote per unit would result in the BC having a vote total of 49.47% but they only contribute 10.75% of the taxes. Additional discussion revolved around the size of the units. (see above) So of 930 votes 613 are the smaller units which pay \$26 and \$33 respectively per year. Their total contribution is 3.79% of our budget and yet would have 1/3 of our vote. This is still diluted and there would be litigation.

Point #2. BSFD is a government entity and cannot favor one group over another if the constituents are similar. All must be treated equally. By allowing the BC to vote, we would be discriminating against other property owners such as LLCs and vacant land owners. For example: out of state residents who own property, rent out their homes but don't live here could run, be elected and we would have no idea who they were. The potential exists to have out of staters running our District.

Point #3. It is crucial that a component of voting must include residency or we will not be able to control our future. 00:25:04

Point #3. There is no guarantee but there is a possibility that in the future people could vote, run , and be elected to our Council who are entirely unknown to the residents. Bonnet should be controlled by people who have residency here. 00:25:04

Anita joined in by saying there are already voting issues created in part by LLCs and folks within trusts which could be compounded in the future when someone like herself could vote as a seasonal BC member but not as a seasonal resident. To avoid these many pitfalls, residency must be the criteria for voting.

Chair DiLeo added that she researched the practice of commercial property owners voting in

local elections; no residency was found. It would seem counterintuitive for the RI Gen. Assembly to allow companies to vote in local elections.00:31:18

Lloyd began his comments by referring back to the charge of the Commission as issued by Judge Taft when she recommended that an impartial attorney be hired and for the Commission upon discussion and consideration propose amendments to the original Charter.. Atty. Conley referenced case law and issued a 12 page document saying residency was key for voting. Lloyd then quoted from a document, **Chapter 371 2023 -H 5718 enacted 6/27/2023**, An Act Relating to the Kingston Fire District in the Town of South Kingstown. (*This will be included in the minutes as an attachment.*) The salient point is found in Sec. 2. "The electors, who shall consist of the residents of said district qualified to vote in elections of the Town of South Kingstown, shall be entitled to vote and act in all meetings of the corporation." Rep. Fogarty, Tanzi, and McEntee among seven others co- sponsoring this bill. It passed in the Senate 36-0 and in the House 73-0. Lloyd continued by saying the Constitutional floor is based on residency and it was with concept where our commission began with its deliberations and then at some point veered in the direction of allowing part time residents to vote. Lloyd, then, referred to Bob's motion at the Aug. 15th meeting to allow only residents to vote which resulted in a 5-0 agreement within the group. It was also mentioned that once this proposal was sent to the Gen. Assembly other voting options could be pursued, locally. Finally, Lloyd stated that he would be opposed to the concept of 1 unit/1 vote and we should follow South Kingstown. 00:38:45

Bob continued by mentioning until recently, RI used property ownership as one basis for voting but has since dropped it as is seen in the South Kingstown case. He remarked that when Rep. McEntee was at the Commission meeting in July she indicated wanting to add on to the franchise in Bonnet but this didn't happen with the South Kingstown bill which she co-sponsored. Now we want what SK has.

Lloyd added that the SK Charter was contemporized and remarked as Faith has frequently stated that she felt we should follow models of other Fire Districts. In reference to going forward, Lloyd said the Legislators don't usually vote against a Bill proposed by one of their own colleagues. Bob interjected that in the future, the Council could increase the Bonnet franchise but for now we need to move forward with residency as the basis for voting. 00:46:40

Public Comment

Mark Michaelson, part time Bonnet resident, shared a lot of data which he had prepared about BSBC members being included in the franchise. (:46:40- 1:03:27) Because many BSBC members are interested in the affairs of BSFD, he believes they should not be disenfranchised. One way of achieving this is to eliminate duplication of BC property held in conjunction by some Bonnet residents ; take away cross ownership. He questioned whether the BC was categorized as commercial and Louise Healy confirmed that during negotiations with Narragansett about the sewer project the BC would be considered a commercial property. Mark disagreed with Bob's data from his earlier presentation as they seem to have analyzed the BC membership differently. Mark did not have a handout with his analysis.

Chair DiLeo remarked about Mark's points by saying that in the future a standing committee could be formed to include BC members and Bonnet residents and furthermore, BC members have always been invited to attend Council meetings with an opportunity to share their points of view.

Anita opined that full time residents have a more substantial interest in BSFD than part time residents which Mark disagreed with as he is very interested but lives here part time. Bob added that looking to the future it is possible that no BC members could be living in the state and is that substantial interest while paying \$26.00 in BSFD taxes for a seasonal membership.

Louise Healy, a BC Brd. Member, liked the idea of following the lead of SK but wondered how BC member - input would happen if they were disenfranchised. Once again, Chair DiLeo

referred to the concept of a standing committee whose purpose was to foster communication between the two groups. Anita added that had been the plan when the BC became a condominium establishment, but over time this plan hasn't worked out and perhaps this idea should be formalized in the By Laws. Lloyd agreed. 1:10:08

Nancy Cordy, a full time resident and BC member thanked the members of the Commission for their hard work and how productive tonight's meeting was. Since BSFD is a quasi-municipality , voting has to be constitutional where the "floor" is the residents. She explained a personal situation involving BC voting in that she would be voting as a full time resident but a co-owner of her unit at the BC would be voting as a resident of Colorado.

Dave Kaufman, part time resident, mentioned the Council liaison to the BC had removed himself from that position. He inquired as to the # of votes for each unit: bathhouse, 2 votes; cabana 4 votes; minidbl. 8 votes. Dave also alluded to contracts the BC has besides BSFD which is with Wesquage. 1:18:27

Tony Lupino, a resident, who was unable to attend the meeting wanted to object to the concept of 1 vote /1 unit for two reasons: units can't vote and there are single owners of many units who would have multiple votes.

In response to a question by L.Healy, Chair DiLeo said legal residents of BSFD are the only ones who can vote on the Charter changes. 1:23:22

Carol Fortin, part time resident, feels strongly that residents should have an opportunity to vote now, not in 5 years. 1:29:56

Bob moved not to recommend our Commission's voting proposal include 1 vote /1 unit ; 2nd Lloyd. Motion passed 4-0.

At 1:37:58 Bob read from a text from Faith who was absent. (exact wording can be heard on the Zoom recording).

Chair DiLeo suggested the next meeting be held on Oct. 18, 2023 @ 5pm and would address one agenda item which was Bob's Charter voting motion made and passed on Aug. 31,2023.

Meeting adjourned at 8:10 PM.

Respectfully submitted,
Carole Duffy

CHAPTER 371
2023 – H 5718
Enacted 06/27/2023

AN ACT
RELATING TO THE KINGSTON FIRE DISTRICT IN THE TOWN OF SOUTH KINGSTOWN

Introduced By: Representatives Fogarty, Tanzi, Spears, McEntee, Cardillo, Cotter, Azzinaro, Kennedy, Casey, and Hull

Date Introduced: February 17, 2023

It is enacted by the General Assembly as follows:

SECTION 1. Sections 2, 4, 5, 7, 9, 10, 11, 15, 17, 18 and 19 of Chapter 544 of the 1923 Public Laws entitled "An Act to Incorporate the Kingston Fire District in the Town of South Kingstown" as amended, are hereby amended to read as follows:

Sec. 2. The electors, who shall consist of ~~electors of said district qualified to vote in town affairs on propositions to impose taxes or for the expenditure of moneys~~ the residents of said district qualified to vote in elections of the Town of South Kingstown, shall be entitled to vote and act in all meetings of the corporation.

Sec. 4. Said electors at each annual meeting, and at any other meeting when vacancies occur, may elect officers to serve for one year or until the next annual meeting, and until others be elected in their stead, which officers shall consist of a moderator, clerk, ~~Treasurer,~~ treasurer, ~~three~~ assessors, auditors, and a collector of taxes, whose duties and powers within said district shall be such as like officers of towns in this state have within their respective towns. They may also elect fire wardens, a president of fire wardens and such other officers and committees as they may deem necessary.

Sec. 5. Said electors at any of their legal meetings shall have power to order such taxes, and provide for assessing and collecting the same, on the taxable inhabitants and property in said district as they shall deem necessary for purchasing and procuring real estate, buildings and implements, apparatus, other equipment and a supply of water for the extinguishment of fire, for constructing cisterns and reservoirs, laying water pipes and purchasing rights to lay the same, ~~for the purpose of lighting the street in said district with electricity or otherwise~~, for the payment of the current expenses of said district, the payment of such police force as they may deem necessary for the protection of the inhabitants of said district from fires and for the preservation of the public peace therein and for the payment of obligations that have been or may be incurred, by said district in the exercise of the powers granted to said district, and also for the payment of any indebtedness that has been or may be incurred by said district. Such taxes so ordered shall be assessed by the assessors of said district on the taxable inhabitants and property therein according to the last valuation made by the assessors of the town next previous to said assessment, adding, however, any taxable property which may have been omitted by said town assessors or which may have been since acquired; and in all cases where the town assessors have included property within said district and property without said district in one valuation, the assessors of said district shall make an equitable valuation of that portion of the same lying within said district; and in the assessing and collecting of said taxes such proceedings shall be had by the officers of said district, as near as may be, as are required to be had by the corresponding officers to towns in this state in assessing and collecting town taxes assessed for said district have the same powers and authorities as are now by law conferred upon collectors of taxes for towns in this state. Said district may provide for such deduction from the tax assessed against any person if paid by an appointed time, or for such penalty by way of percentage on the tax if not paid at an appointed time as they shall deem necessary to

**ANALYSIS: GIVING EACH BEACH CLUB UNIT ONE VOTE
IN FIRE DISTRICT ELECTIONS WOULD STILL BE UNCONSTITUTIONALLY DILUTIVE**

VOTING POOL

950 - Number of Bonnet Shores residents registered to vote Narragansett elections

930 - Number of individual units at the Beach Club = 49.47% of total

1,880 - Total voting pool

TAXES (Data taken from Laurie McCarty presentation)

\$462,489 - Total taxes imposed 2022-23

\$ 49,744 - Total taxes paid by Beach Club addresses = 10.75% of total taxes paid

SUMMARY

Giving each beach club unit a vote would result in those units controlling 49.47% of the voting pool while contributing only 10.75% of the taxes

FURTHER ANALYSIS RELATING TO JUST BATH HOUSES AND MINI-DOUBLES

SUB VOTING POOL AND TAXES PAID (00065921 - BSFD mill rate 2022-23)

407 bathhouses \$40,000 taxable assessed value \$26.37 – BSFD taxes = \$10,732

206 mini-doubles \$50,000 taxable assessed value \$32.96 – BSFD taxes = \$ 6,790

613 votes out of 1,880 Total voting pool = 32.78% = \$17,522

\$17,522 = 3.79% of the \$462,489 total taxes paid

SUMMARY

Giving each bath house and mini-double a vote would result in those units controlling 33% of the vote while contributing only 3.79% of the taxes