

**BONNET SHORES FIRE DISTRICT
RECONSTITUTED CHARTER REVIEW COMMITTEE**

February 8, 9:00 a.m.

MEETING MINUTES

Call to Order: Committee Chair Faith LaSalle called the meeting to order at 9:03 at the Bonnet Shore Fire District Community Center.

Announcements: Jane Duran commented that the District is in receipt of an OMA violation on Zoom for the June 1, 2024, BSFD Council meeting. The complaint was for Zoom not being available for the whole meeting due to a technical issue. In the future, disclaimer language will be in all agendas as suggested by the AG, which says Zoom is for informational purposes only. This advisory committee is not obligated to Zoom, but we are doing it because we want community involvement. These meetings will now limit Zoom to public comment only.

Approval of Minutes: Motion to approve was made by Lousie Healey, seconded by Michelle Dunne. Motion passes 4-0.

Committee Follow-up on Public Comment from 1/29/25 Meeting: In previous meetings, community members raised concerns about allowing non-resident property owners to vote. Carolyn DiLeo requested that the committee and council review an article written by David Marks of the Roger Williams School of Law. J. Duran reviewed this article and referenced the use of certain language in the author's recommendations for solutions and remedies which triggered her curiosity, as we are not restricting a resident's right to vote, but rather, some of our scenarios are expanding the voting base, to include current voters, in addition to Narragansett Town Voters. F. LaSalle noted that that author was a law student when the article was written. He has been an attorney admitted to the RI Bar for about 3.5 months. He interviewed Bob Patterson in 2022 for his article as referenced. She noted that the author was not the General Assembly, not Judge Taft Carter, and not staff attorneys at the General Assembly. J. Duran proceeded to review research she conducted on non-resident property owner voting rights. She talked about other beach community fire districts in RI that included non-resident property owners (taxpayers) as well as Town registered voters in their electorate: Quonochontaug, Watch Hill, Shady Harbor, Bonnet Shores, Misquamicutl. She also cited cases from 10 other states including Delaware and Colorado, where non-resident property owners (taxpayers) are allowed to vote in local elections, in addition to residents who are registered to vote as their place of domicile. In addition, she discovered a nationally known legal scholar and distinguished law professor at the University of Kentucky, Joshua Douglas, who has written 32 Law Review Articles on voting rights in America and is one of the most cited U.S. scholars on election law and voting. His position supports the expansion of voting rights to non-resident property owners for local electorates, as evidenced in his law review paper: "*The Right To Vote Under Local Law*" (See PDF file entitled *Extending Voting Rights to Nonresidents on the BSFD Charter Committee Meeting Archive Page*). The conclusion of the paper supports expanding the voting base beyond residents and that the more people who represent the community in the voting pool, the more representative it is of democracy. J. Duran encouraged the community to read both law review articles as they each

offer a different perspective. J. Duran's research and information will be available on the District's website.

Review of Current Proposals: M. Dunne led a presentation and discussion on the remaining scenarios still under consideration. The information was in pie chart form and coincided with a definition that substantial interest is based on the amount of tax contributions a segment of the voting population contributes to funding the government. (*See PowerPoint presentation entitled Charter Proposals vs Tax Contributions on the BSFD Charter Committee Meeting Archive page*). M. Dunne reviewed a brief summary of the scenarios, acknowledged that certain Narragansett registered voters do not contribute to the tax basis, and suggested the following for each scenario.

Scenario 1 – current state (Narragansett registered voters and all taxpayers). The Judge stated the voting power should not outweigh the financial contribution. Her opinion is that the calculations suggest that this does not meet a substantial interest test based on tax contributions. (See pie chart).

Scenario 3 - (Narragansett registered voters, property owners and 1 vote per person for each BSBC unit). Her opinion is that the calculations suggest that this does not meet a substantial interest test based on tax contributions. (See pie chart).

Scenario 4 – Weighted/Balanced voting plan per K. O'Brien and M. Webber. Her opinion is that the calculations suggest that this does meet a substantial interest test based on tax contributions. M. Dunne agreed that this is a non-traditional method for a fire district that may be an uphill battle with the General Assembly. (See pie chart).

Scenario 4c – The new proposal by M. Michaelson and C. DiLeo (1 seat on BSFD Council Reserved for BSBC Representative). Although M. Dunn did not produce a slide for Scenario 4c, her calculations suggest that this does meet a substantial interest test based on tax contributions.

Continuation and Discussion of Identified Scenarios Remaining:

Scenario 1 – Current state – no questions.

Scenario 3 – 1 vote per person per BSBC Unit – no questions.

Scenario 4 a, 4c – These both entail residents (those domiciled to vote in Narragansett and live in the District), and non-resident property owners having a vote, but no voting from BSBC unit owners. 4c offers one beach club seat on fire district council.

M. Michelson, who was present at the meeting, presented Scenario 4c noting that a seat on the council would be reserved for a BSBC representative. (*See presentation entitled BSBC Seat on the BSFD Council on the BSFD Charter Committee Meeting Archive Page*). He suggested this scenario would support our needs:

- To move forward with community consensus.

- For a mechanism for the Beach Club to maintain input into the governance of the community.
- To eliminate the potential for further legal action.
- To address voter dilution.
- To promote collaborative, cordial relationship with the Beach Club.

C. DiLeo said in Nov 2023 the original charter commission rejected this idea because it thought it did not have the authority to this.

J. Duran questioned M. Michaelson on whether a BSBC Council member would have an interest in all council discussions in which BSFD Council vote, using the new website as an example. M. Michaelson suggested that the BSBC should care about the website as we could collaborate sharing each other's events.

Scenario 5 – Weighted Voting – K. O'Brien and M. Webber presented how they would show this idea to the General Assembly. They used one screen to keep it simple: Scenario includes Narragansett registered voters, people on deed of residential property, 1 BSBC owner per unit who is not part of the other stakeholders. BSBC votes capped at 11%. (*See presentation entitled Weighted voting for RI General Assembly on the BSFD Charter Committee Meeting Archive Page.*)

J. Duran reminded everyone that any recommendations have to benefit the majority of Bonnet. There will be a separate workshop for developing the election process.

Next Steps: The consensus of the Committee members was that it was premature to vote today. Committee members need time to digest all this information and get feedback from the BSBC which was having a board meeting scheduled for February 10, 2025. The next Reconstituted Charter Review Committee meeting will be on Saturday March 1 at 10 am.

Public Comment:

M. Michaelson – Would it help to have 1 committee member at the BSBC club meeting on Feb 10 to answer questions and to show collaboration. L. Healey said no, as that was why she was there to participate in the Committee. M. Michaelson is not sure how K. O'Brien's proposal is constitutional. Focus on substantial interest and expanding the voter base.

L. McKnight - Three comments made today that she felt we should think about when we define "substantial interest":

1. M. Dunne's comment about the degree that non-resident property owners finance the District which is substantial.
2. The non-monetary value the BSBC brings in maintaining and caring for the District's beach and natural resources, which is substantial.
3. The BSBC having a representative stake in the community.

L. McKnight, identified as non-beach club owner, and as a one of the 353 year-round (domiciled) residents, who also own property in the District. She cautioned the community to not just focus

on the tax contributions of the beach club (\$61,000). She asked how do we put a value/price on the contributions of the beach club if they were outsourced? What is the financial value and impact on quality of life of opening the breach way to the ocean, raking the beach throughout the summer, getting our equipment onto the beach through the BC parking lot because there is no other access, and sand storage and replenishment after major storms throughout the year? It was noted that the District now pays \$6,500 for continual raking of the beach for the entire summer season. It costs the District \$10,000 per raking for another vendor to rake Little Beach only three times, \$30,000. Substantial interest should take into consideration the services provided by the beach club which are critical to the community.

C. DiLeo – In reference to M. Michaelson’s proposal, she thought the BSFD Council seat would be a reasonable suggestion. To L. Healey’s concern about closing the causeway, that is the responsibility of Public Works. The original Charter commission always thought seasonal residents should vote.

J. Fandetti – Thank you to all for your hard work. She was encouraged that the community could get this settled.

K. Deberghes – Thanked M. Dunne for her good presentation. The BSBC should always have confidence in knowing the road will be open. If we can’t agree on something, the Judge will use substantial interest.

J. Duran – Thanked the community for all of its ideas and hard work. She also thanked the audience for a civil discourse at the meetings.

L. Healey – To follow up on L. McKnight’s comments, she commented how do we quantify the services the BSBC provides?

M. Dunn – Asked for a follow up on the BC’s position.

Motion to Adjourn: a motion to adjourn was made by L. Healey and seconded by M. Dunne. Motion passed 4-0. Meeting adjourned at 11.37 am.

Submitted,
/s/ Paulette Brousseau
Clerk, Reconstituted Charter Committee