

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

March 1, 2025, 10:00 a.m.

MEETING MINUTES

Call to Order: Chairperson Faith LaSalle called the meeting to order at 10:02 at the Bonnet Shores Community Center.

Announcements: None

Approval of Feb 8, 2025 Minutes: Motion made by Louise Healey, seconded by Michelle Dunne. Motion passed 4-0.

Public Comment: Public comment was moved to the beginning of the meeting so the community can comment and give input before the Committee formulates their recommendation(s).

Elaine Casey - Beach Club and full-time resident. She has attended all meetings in person or on zoom and understands the options. She indicated that the Beach Club should have a limited or minority vote. She acknowledged that BSFD receives benefits from the Beach Club so she recommends 1 owner per unit designated to vote, for the Beach Club.

Cara Ludwig — Full time resident and owns a bathhouse. She indicated that the Beach Club should have some input but not the way it is now. She acknowledged that the Committee’s objectives were to compromise. She also indicated that she attended the Feb 8th Beach Club meeting, and, in her opinion, she didn’t see room for compromise. C. Ludwig felt that the scenarios were presented in a mocking manner. L. Healey indicated that she received an email from Bob Patterson with Ludwig’s post on social media. L. Healey asked if she came across mocking and no one else indicated that she was disrespectful in her presentation. C. Ludwig said that Kevin Lynch (president of BC board) doesn’t seem to want to hear about compromise. J. Duran indicated that L. Healey would be speaking about the beach club meeting later.

Susan Resnick- Full-time resident and has no involvement with the Beach Club. She indicated that she has been hearing a lot of fear-based comments including that the Beach Club is afraid the Fire District and is going to shut them down, that the Fire District is afraid the Beach Club is going to take over Kelly Beach/Community Center, and there will be no community here anymore. These seem extreme to her. She is open to the compromise of 1 owner per unit designated to vote, for the Beach Club.

Response from L. Healey - The Beach Club has no intention of expanding, not even by one unit. The development rights were bought out and no more building is allowed. They are not interested in taking over the Community Center or any other BSFD land.

Response from F. LaSalle – She commented it is very difficult to sell Land Trust property. She reviewed significant provisions in the Land Trust legislation. She explained that the General Assembly has incorporated several checks and balances in the Land Trust governing document. First, you need a supermajority vote of the Land Trust Trustees, which is 4 out of 5, to sell property. Then, you need a supermajority vote of the Council, which is 5 out of 7 Council members. Then, you need a supermajority vote of the community (two thirds of the voters), at an Annual Meeting, and not at some special meeting held in the winter when no one is here.

Robert Patterson – Indicated that he thought it was obvious where the Committee was headed, to pass the 1 vote per unit. In this opinion, this will not do it and will bring on another lawsuit. His interpretation of the data that has come out is that giving one vote per unit will continue dissolution because 930 units will have 33% of the vote for 11% of taxes. His opinion is that it doesn't work with the Judge's balancing test and gives an inanimate object a vote. The owners come and go but the right to vote stays with the BC unit. He feels it gives the affluent the right to buy votes. He referenced two other proposals the original charter committee will support, weighted voting and one seat on the Council with no votes. His belief is that they will address the dilution issue and be a compromise.

Mark Michaelson – Indicated that he is a strong proponent of giving the Beach Club a seat at the table and input into the governance of the community. He went on to indicate that he did not know the legal implications of this, and is not a lawyer, but he said that there is a very active and loud group that will continue future litigation. He urged the Beach Club to come up with some kind of compromise to ensure that they do have a say in the governance of the community. If they don't agree to compromise now, he feels there will be future litigation and no vote. He commented that the judge did not rule on the BC right to vote because the BC was not listed as a defendant and they were not there to voice their views, but he believes that they will be there next time.

Kristen Deberghes – referenced some information from the tax rolls, pointing out that Louise paid \$119 in taxes and 6 people voted, some with proxies. She and her husband pay \$700 a year in taxes. J. Duran pays \$340 a year with 2 votes. These numbers and more are what will be presented in a lawsuit. She said last time it could not be proven because there was no data, but now there is data. If one of the goals was to prevent a lawsuit, this is what is going to happen. K. Deberghes did not feel that the BC was presented with sufficient information to make a decision. She feels that her group have been good neighbors to this point, but the Beach Club has not been a good neighbor back. In her opinion, the Beach Club vote far outweighs the residents and she feels that the Beach Club has no interest in the community.

L. Healey response - The Beach Club was invited to have a seat here and she is here as a representative of the Beach Club, and to report to the owners at the Beach Club. She said the club had several meetings about this, and owners have consistently said they want to

keep their vote. At this last meeting, about 30 people attended. L. Healey told them about the options that were on the table. The overwhelming majority, (only a couple of people were in favor of a compromise), was to keep BC voting rights. The board took a vote and unanimously asked L. Healey to come here to vote to keep the BC owners' voting rights. She explained that she cannot just speak for herself but only for the condominium association, which is who she reports to.

Response from F. LaSalle – She thanked the Beach Club for at least coming to the table and participating and pointed out that the plaintiffs have refused to come to the table and engage in the dialogue as a committee member.

L. Healey's report from the Bonnet Shores Beach Club Board Meeting. – L. Healey made a presentation on contributions that the Beach Club makes to the BSFD community ([see link to presentation on the BSFD website](#)). She indicated she was presenting this information in response to comments Leslie McKnight made at the last meeting. L. Healey went on to quote from the minutes of the last meeting where L. McKnight cautioned the community not to just focus on the tax contribution of the Beach Club (\$61,000) but also to consider the value on the contributions of the services the Beach Club provides if they were to be outsourced. What is the financial value and impact on quality of life of opening the breachway to the ocean, of raking the beach throughout the summer, and sand storage and replenishment after major storms throughout the year? Louise's Power point presentation and info is the response to this commentary from L. McKnight, and is on the BSFD website ([Link](#)).

L. McKnight clarified her intention was that when a judge looks at this, the analysis should not be just looking at the \$61,000 tax contribution (11%). She commented that we need to include the value (financial and otherwise) of the services provided by the Beach Club. F. LaSalle pointed out that to clean Little Beach only three times last summer cost \$30,000.00. From a fiscal responsibility viewpoint, she urged everyone to keep this in mind. She also commented that if the District has to take over cleaning Kelly Beach, through a private vendor, the expense were be significantly larger.

Update on meeting with Senator DiMario – F. LaSalle provided a summary of a recent meeting she attended with Sen. DiMario. F. LaSalle indicated that she received an invitation from Sen. DiMario, as the Council member/Charter Committee Chair, to attend a meeting on Tuesday, February 18th at the State House. Apparently, some plaintiffs requested a meeting with her. Sen. DiMario felt it was important to have a Council/Charter person there. F. LaSalle noted that the first time she met Sen. DiMario was when she walked into the room. Robert and Mary Patterson and Paula Childs attended. In addition, Sen. LaMountain (Chair of Judiciary Committee), the Chief Legal Counsel to the Senate, and two attorneys on his staff, also attended.

There was a proposal sent to Sen. DiMario in Jan 2025 by a person who was a Florida resident who no longer serves on the Council. It was the same bill that came out of the old Charter Committee in 2024 that never moved through the system, which is permanent residents only vote

in the District, those who qualify to vote in Narragansett. It appears that Sen. DiMario wanted to address concerns about the 2024 and 2025 proposals. What was a real concern with the General Assembly is the bill included the disenfranchisement of existing voters before they actually got to vote on the Charter changes. The only people under the proposal who would vote on any change concerning the Charter would be permanent residents only. The G.A, people in attendance, indicated that was not acceptable. F. LaSalle commented that Judge Taft-Carter's decision of Aug 22, 2024, clearly defined the electorate as all the existing voters plus permanent residents and that's where we are now. Sen. DiMario was also concerned that this proposal did not come up through the proper channels. She explained the process as it goes through a charter committee and then goes to the local government (i.e. BSFD Council) to gain support, and then it goes up to the General Assembly. Then, the G.A. issues enabling legislation, which means they allow it to be put on a referendum to allow the community to vote on it.

Sen. DiMario also explained that she would not submit the legislation that was submitted to her in January 2025 by this Florida resident, not through the proper channels, because she could no more take a proposal from somebody who is a nonresident of North Kingston who wanted to submit legislation saying that half the people in North Kingston couldn't vote. This proposal also did not come through the BSFD Council. Sen. DiMario understands that no legislator on the other side, the House, was willing to take this up. She also feels it is a disservice to the community to even present something that would fail.

There was mention of the Roger Williams Law School article provided by B. Patterson and there are no plans for rewriting every fire district in Rhode Island

Sen. DiMario asked about the current makeup of the Charter Committee. F. LaSalle explained that a newly elected Council thought there needed to be more diversity on the Charter Committee to reflect the different pockets in the community. The Beach Club was invited to the table and selected a representative. The plaintiffs were asked a couple of times, through written communications, to fill the plaintiff seat and a seat has been left open on the Committee for the plaintiffs to join and engage in the dialogue. If Bob Patterson had agreed to serve in the seat he was appointed to, there would have been two people from this new committee who were also on the old committee.

F. LaSalle mentioned that the Council has worked hard to get the plaintiffs to the table. During the meeting, on a few occasions, B. Patterson was invited again at the meeting by F. LaSalle to sit at the table and join in the dialogue in the open seat on the Committee.

F. LaSalle indicated that her take-a-way from the meeting is that there is a process in place and we are to work together as a community to come up with a solution and then come to the General Assembly. Sen. DiMario said she will be looking for something that comes up through the Charter Committee and BSFD Council (doesn't have to be unanimous) to put legislation in.

Discussion and formulation of recommendations on the voting scenarios remaining -

Scenario 1 – Current State. Now the voting franchise includes the 460 new residents added, 951 registered Narragansett voters, property owners and Beach Club. General feeling is that the Beach Club has too much voting power and this needs correcting.

The Committee recommendation to move this one to the BSFD Council for consideration resulted in 1, for; and 3 against.

Scenario 3 – BSFD Narragansett registered voters, BSFD residents and non-resident property owners and 1 person per unit from Beach Club (taxpayers). F. LaSalle commented that she proposed this because many people had asked for this solution, some former leaders in the community. J. Duran indicated that this is a compromise, and it allows the Beach Club to participate in our government and preserves the services they provide to the community. J. Duran stated that under this scenario, the total eligible voters from the beach club “only” affiliation would have 25% of the voting power (695 out of 930 units) and all other eligible voters would have some other affiliation with the BSFD other than being a BSBC owner and would have 75% of the voting power. J. Duran commented that in the last election, if we had this voting scenario in place, this would have resulted in 21% Beach Club only participation (143 units represented in the election) to 79% BSFD affiliations other than BSBC who voted. J. Duran also noted that the job of the Committee is not to solve a voter apathy issue, and residents of the BSFD need to step up and vote because the numbers are in their favor. M. Dunne suggested that the election process may have deterred participation. The Committee agreed that a new process for the election should be explored. The Council will be considering an election process workshop to improve upon the election process which should also improve participation.

The Committee recommendation to move this scenario to the BSFD Council for consideration resulted in 2 for; 2 against.

Scenario 4a – BSFD Narragansett registered voters, BSFD resident and nonresident property owners, No vote from Beach club but still pay taxes. The Committee agreed that this was not to be considered because scenario 4c offers the same except it provides for the Beach Club participation in the District’s government.

The Committee recommendation to move this scenario to the BSFD Council for consideration resulted in 0 for, 4 against.

Scenario 4c -Narragansett registered voters, BSFD resident and non-resident property owners and no eligibility to vote from Beach Club and appoint a BSBC seat on the BSFD Council.

That majority of the Committee indicated concerns with this approach as the BSBC has specific interests in our community and is indifferent about other items. To appoint a seat to BSBC on the Council would be of little value to them and could possibly create other issues. It is also creating a separate class of voters and treating them differently based on tax contribution, a voting law concern, and gives them an appointed seat in our government (which does not exist in other municipal governments or fire districts as far as anyone is aware). J. Duran indicated her concerns noting that there are 130 non-BSBC properties in BSFD that pay less BSFD tax than a BSBC cabana (\$119/year). If litigated, there could be an argument that why are we isolating the BSBC class of voters and guaranteeing them participation in our government while we are not doing that for other classes (voters that pay the same or less and/or voters that pay exponentially more in taxes). While mathematically this scenario aligns with the BSBC current tax contribution, if that contribution changes, their representative one seat on the council will not change, and the current analysis of the BSBC tax basis does not consider the monetary value of their services outlined in L. Healey's presentation. The majority also thought this would be very difficult to get through the G.A.

The Committee recommendation to move this scenario to the BSFD Council for consideration resulted in 1 for; 3 against.

Scenario 5 – BSFD Balanced/Weighted voting proposal. As with scenario 4c, this creates a classification of voters from the BSBC and caps the actual BSBC votes equal to the amount of total tax revenue contributed by this class of voters. Similar concerns apply as noted with scenario 4c above. F. LaSalle noted that weighted voting in a quasi-municipal government is not a known or acceptable way for voting under voting laws. It is unfair to create a separate class of voters. This may work in private homeowners' associations, but not with a government entity. She emphasized that when in Rome do as the Romans do, and no other fire district has this model. She cautioned about moving away from the model and becoming more like a homeowners' association.

The Committee recommendation to move this scenario to the BSFD Council for consideration resulted in 1 for, 3 against.

Considering that no scenario received a majority of votes from the Committee (3 or more are needed), M. Dunne asked if a committee member should attend the next BSBC board meeting, which is Monday, March 3rd to provide additional information to the Beach Club and see if there is room for compromise. If not, the fact was stated that the current state may prevail by default. The majority of the Committee indicated that they want to resolve this issue for the community once and for all as it has taken up way too much time and has caused so much division. The last thing the majority of the Committee wants to do is to be in the current state relying on the language of the consent order indefinitely. If a compromise cannot be reached, the current electorate will be in place for the foreseeable future. J. Duran, BC owner, and M. Dunne, non-BC

owner, offered to attend the meeting. L. Healey said that non-members do not attend the meetings.

Next steps – The committee will reconvene Thurs Mar 6, 2025, at 6 p.m. to discuss any outcomes from the BSBC board meeting and to reconsider the scenarios to recommend.

Motion to adjourn Motion made by J. Duran, seconded by M. Dunne. Meeting adjourned at 12.22 pm.

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