

Council Meeting: Bonnet Shores Fire District Council

Place: 130 Bonnet Shores Rd-Narragansett

Date: Saturday, June 22, 2024

Time: 8:00 am

Call to Order at

Pledge of Allegiance/ Moment of Silence

Urgent Business- None

Announcements Clarification:

All residences are invited to the Bonnet Shores Beach Club, Sunday June 23, 2023, free of charge, parking included, arriving after 3 pm for a 4 pm event:

The Warwick Symphony Orchestra Concert, Rain or Shine

This meeting will be zoomed for informational purposes only, with no guarantee of accuracy. Melissa Jenkins and Anita Langer filed OMA complaints, with the Attorney General, due to hacking issues with our zoom link at the June 1, 2024 meeting

"In order to preserve order and decorum, and to avoid interfering with the ability of spectators to see and hear, any other person's video recording or photographing the meeting should do so from a designated area, the bench area in front of the windows"

All BSFD official district information available on bonnetshores.org website

Motion-Discussion-Vote

Approval of Minutes : February 21, 2024

May 4, 2024

Treasurer- Update:

Revote trash line in the budget.

Tax Collector- Update- Report

Land Trust- Report -Submit all signed and submitted docs pertaining to 501 to the Council & manager –

Previous attorney's opinion and minutes were provided to the LT
Grants, new and previously submitted

Manager Update: Report

Trash pickup, Camp, Office hours, Beaches, Rentals,

Harbor: Update

Nomination Committee: Report:

Charter Commission: Update

Social Committee: Cocktails on Kelly Beach last Wednesday of June, July, August

Clerk: Election

New and ongoing Business

1. Election discussion, location, and all procedures.
Presentation by Janice McClanaghan-Bonnet Shores Qualified Voters
2. Possibly Interview and hire an independent attorney knowledgeable in constitutional and municipal law to provide guidance and opinion on the individuals to be included in the next election based on the Consent Judgment and, if necessary, to seek a ruling from Judge Taft-Carter.
3. Establish a written procedure and process for the upcoming election to include at least the following:
 - a. Registration form
 - b. Registration procedure including guidelines, timeline and deadline
 - c. A final voter list- identify and publish a list of who will be eligible to vote

Public comment from audience only, come up to mic, identify yourself
3 minutes.

Motion to adjourn.

BSFD is inviting you to a scheduled Zoom meeting.

Topic: BSFD Council Meeting

Time: Jun 22, 2024 08:00 AM Eastern Time (US and Canada)

Join Zoom Meeting

<https://us02web.zoom.us/j/81914155483?pwd=CrComaTmbMzdGk9aHSdmKQxAAAb4cX9.1>

Meeting ID: 819 1415 5483

Passcode: 183530

One tap mobile

+16469313860,,81914155483#,,,,*183530# US

+13017158592,,81914155483#,,,,*183530# US (Washington DC)

Dial by your location

- +1 646 931 3860 US
- +1 301 715 8592 US (Washington DC)
- +1 305 224 1968 US
- +1 309 205 3325 US
- +1 312 626 6799 US (Chicago)
- +1 646 876 9923 US (New York)
- +1 408 638 0968 US (San Jose)
- +1 507 473 4847 US
- +1 564 217 2000 US
- +1 669 444 9171 US
- +1 669 900 6833 US (San Jose)
- +1 689 278 1000 US
- +1 719 359 4580 US
- +1 253 205 0468 US
- +1 253 215 8782 US (Tacoma)
- +1 346 248 7799 US (Houston)
- +1 360 209 5623 US
- +1 386 347 5053 US

Meeting ID: 819 1415 5483

Passcode: 183530

Bonnet Shores Fire District Qualified Voters

The Pool of Qualified Voters

- 1. Every person of voting age (18) who is the owner of real property located within the district, and**
- 2. Every firm, corporation, and unincorporated association that owns real property within the district, and**

3. Every person of voting age (18) who has a “home and residence”, as defined under Rhode Island Law, and who has resided for at least thirty days prior to the date of any district meeting, shall be registered to vote with the Town of Narragansett, Narragansett Canvassers Board.
4. The firm, corporation, and unincorporated association is to designate its duly authorized person for voting, by submitting a notarized authorization form to the clerk of the district and allowed one vote.
5. A qualified voter is only allowed to vote once (whether they are a registered voter with the Town or owner of multiple properties).

The property owner/taxpayer list, expanded electronic form, and the Narragansett Canvassers Board’s registered voter list, both obtained from the town, is basically certified by town officials to be a valid document and up to date. There is no need for additional registration, as this information is accurate, up-to-date, inclusive, and verifiable from the town.

Comment on Suggested Election Guidelines

Paragraph one is a person who is a qualified voter as defined in the existing Charter Section 2: “every person, irrespective of sex, of the age of eighteen years, who is possessed in his or her own right of real estate in said district of the value of one Four Hundred (\$400) Dollars over and above all encumbrances.” (Note: The value of the property is immaterial due to the small amount and the current value of real estate.)

Paragraph two is “a firm, corporation, or unincorporated association” that owns real estate within the district, and is a qualified voter in the district under the existing Charter Section 2.

Paragraph three is a qualified voter added by the the consent order which requires that “every citizen of the United States of the age of eighteen years or over who has a **residence and home** in the Bonnet

Shores Fire District for thirty days, and **whose name shall be registered at least thirty days** next preceding the time of voting.” “Residence and home”, is also the actual language and legal definition for residency for voting purposes, as set forth in the R.I. Constitution. The Rhode Island Supreme Court has defined “residence and home,” the language in the consent order, as domicile, the permanent place where you intend to live, and not “mere residence or place of abode” in a series of cases, and as the standard for voting under the Rhode Island Constitution. *See In re Opinion of Justices, 16 A.2d*

331, 334 (R.I. 1940). Reviewing other Rhode Island law, R.I.G.L. Section 17-1-3.1 defines a person's residence for voting purposes is his or her fixed and established domicile. A person's domicile is that person's factual physical presence in the voting district on a regular basis incorporating an intention to reside for an indefinite period. Once acquired, this domicile continues until another domicile is established. A person can have only one domicile.

Therefore, it only makes sense that this group is verified through registration with the Narragansett Canvassers Board in compliance with the Rhode Island voting laws. Other fire districts reference the voting authorities within their town as the source for the resident voting list.

Suggested Implementation of the Voting List for the District Election.

1. Property Owner is verified through the Narragansett Taxpayer List.

Every year the district gets a taxpayer list from the Town of Narragansett which reflects property ownership in the District. This list is up to date and identifies all deeded owners. The list should be requested in an electronic version to include all the deeded owners. The printed copy does not. It guarantees that you include all property owners on a deed. The electronic version can be then converted into a printed list reflecting all deed owners.

According to the existing Charter and Bylaws, real estate property voters are those on a recorded deed 90 days before the meeting. The Narragansett property owner/taxpayer list should be run 90 days before the meeting, to ensure that property owners/taxpayers have owned for 90 days before the meeting to be eligible to vote.

2. Firm, corporation, unincorporated association are to submit a notarized designation form to the Clerk, provided in the mailing, as to the person designated by the entity for purposes of voting.

Contact information for these entities are provided on the Narragansett tax list for real properties. The notarized designation form identifying the authorized voter for the entity shall be mailed and returned to the clerk thirty days before the meeting.

Partnerships and LLCs seem to fall under the definition related to these entities. Trusts do not. It is a council decision how to deal with trusts. (see definitions in attachments)

3. Residents (permanent) who do not own property in the district shall register with the Narragansett Canvassers Board at least thirty days before the election and the district will obtain that list from the Town.

A qualified resident voter under the consent order is a resident who has a “home and residence” in the district thirty days from the district election, which means they are qualified voters under Rhode Island voting laws and the RI Constitution and its their principal place of domicile.

The district will request the Narragansett Canvassers Board to run the list of all registered voters in Bonnet by street so all Bonnet residents can be found easily from the entire list.

4. Residents who are not on a deed and have not registered with the town are required to do so at least 30 days before a meeting in order to vote in Bonnet meetings. The burden is on the person who wants to vote in Bonnet to register to vote with the Narragansett Canvassers Board.

Other fire districts reference the voting authorities within their town as the source for voting the voting list.

Historically, the tax collector is charged to prepare a list of qualified voters, they have all used the tax list from the town over the last 20 years that I could verify.

I have looked at the voting information of some other similar fire districts, Shady Harbor, Watch Hill, Misquamicut, etc., spoken to some Bonnet people who are familiar with past elections and meetings, and have gathered information from the Narragansett Canvassers Board.

Janice McClanaghan

178 Treasure Road

List of Fire Districts

Shady Harbor-tax payers and residents and 30 days prior

Watch Hill Fire District -taxpayers and residents

Misquamicut Fire District- taxpayers and permanent residents

Dunns Corner Fire District- taxpayers only

Westerly Fire District- taxpayers and residents

Shady Harbor Fire District- Taxpayers and residents and 30 days prior.

Pascoag Fire District -taxpayers and residents

Quonocontaug Fire District-taxpayers

Still waiting for response:

Bradford Fire District

Albion /Sayleville Fire District

Shelter Harbor Fire District

Definitions:

Corporations- a company or group of people authorized to act as a single entity distinct from its owners.

Corporation owned by shareholders

Unincorporated associations -an informal group that agree to come together for a not for profit purpose to pursue a common purpose without creating a corporation, LLC or other entity. (ie, library group to raise money).

Trusts – a fiduciary relationship, in which one party gives another part, the trustee the right to hold title property or assets for the benefit of a third-party beneficiary.

Partnerships are an arrangement between 2 or more people to oversee business operations and share profits and liabilities.

LLC- limited liability company (LLC) is a business structure in the U.S. that protects the assets of its owners from lawsuits and creditors concerned with the company's business debts. Limited liability companies are hybrid entities that combine the characteristics of a corporation with those of a partnership or sole proprietorship.

JUDGE
WOOLSCOTT
PROBATE COURT
2003-2013

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ADMITTED IN
RHODE ISLAND
MASSACHUSETTS
& U.S. SUPREME
COURT

DATE: 24 April 2024

TO: Carol O'Donnell, Chair
Bonnet Shores Fire District Council

RE: Status of voting eligibility

You have requested my opinion on the current status of voting eligibility in the Bonnet Shores Fire District as a result of the recent Superior Court hearing before Justice Taft-Carter.

The question is whether, at least until amendments are approved by the General Assembly and ratified at an Annual or Special Meeting, property owners who are not legal residents within BSFD are eligible to vote. My conclusion is the same as it was immediately after entry of the Consent Judgment, and Judge Taft-Carter's comments at the hearing have reinforced it.

Currently eligible to vote are anyone who has been eligible to vote under the existing charter (including non-resident property owners), with the addition of persons who have resided within BSFD, and have been registered there, for the thirty days before the Annual or Special Meeting. This later group of non-property-owner residents were added in the Consent Judgment approved by Judge Taft-Carter. At the hearing on April

12, Justice Taft-Carter made clear that as of now non-resident property owners are qualified to vote. The Judge specifically said:

The Bonnet Shores Fire District Council represents all qualified voters,
including the nonresident property owners.

Hearing transcript at 7. So it is clear that, unless and until the Charter is amended by the General Assembly, and the amendments ratified at an Annual or Special Meeting, anyone eligible to vote under the existing Charter remains qualified, along with those residents added by the Consent Judgment.

With regard to eligibility to run for office, Article II of the By-Laws uses the same term that Judge Taft-Carter used -- “qualified voters” – in referring to eligibility to serve on the District Council or Nominating Committee. Art. II, sec. 1 & 2. I therefore conclude that the Nominating Committee must interview any potential candidate who is a qualified voter as that term is defined in the Consent Judgment and Judge Taft-Carter’s explanation above.

I hope this memorandum provides the guidance you were looking for.