

91-419

JT COMM. LEGISLATIVE SERVICES
LAW REVISION OFFICE

JANUARY SESSION, A.D. 1991

ESTABLISHING THE BONNET SHORES LAND TRUST

Referred To: Read and Passed

1 SECTION 1. The Bonnet Shores Fire District Council is hereby
2 authorized to establish the Bonnet Shores Land Trust (hereinafter
3 called the trust), a body politic and corporate and a public instru-
4 mentality. The trust shall have the authority to acquire, hold, and
5 manage real property and interests therein including development
6 rights situated within the Bonnet Shores Fire District consisting of
7 open, agricultural, recreational, historical or littoral property,
8 including existing and future wellfields and aquifer recharge areas,
9 fresh water marshes and adjoining uplands, wildlife, habitats, land or
10 buildings providing access to or views of water bodies, or for bicy-
11 cling and hiking paths, or for future public recreational use, and
12 land for agricultural use, or air space thereof. With the exception
13 of property acquired for public historical preservation or recrea-
14 tional purposes, the trust shall hold all property or development
15 rights solely as open space or for agricultural uses or for water pur-
16 poses or for public access or to prevent the accelerated residential
17 or commercial development thereof, as the trustees may determine.

1 SECTION 2. The trust shall be administered by five (5) trustees
2 to be appointed by the Bonnet Shores Fire District Council. The
3 trustees who are first appointed shall be designated to serve for
4 terms of one (1), two (2), three (3), four (4), and five (5) years
5 respectively. Thereafter, trustees shall be appointed as aforesaid
6 for a term of office of five (5) years, except that all vacancies
7 occurring during a term shall be filled for the unexpired term.

8 SECTION 3. The trustees shall annually elect a chairman, vice-
9 chairman from their members and shall appoint a secretary who may
10 either be a member or a non-member. Copies of all meeting minutes
11 shall be submitted to the Fire District Council secretary.

12 SECTION 4. The trustees shall adopt reasonable rules and regula-
13 tions governing the conduct of trust affairs, including the acquisi-
14 tion and management of its holdings, not inconsistent with the provi-
15 sions of this act. All rules and regulations of the trust are subject
16 to the approval of the Narragansett town council. Decisions of the
17 trustees shall be by majority of those present and voting, excepting
18 in decisions of the acquisition of land, easements, rights of way and
19 other uses referred to in section one of this trust, which must be by
20 majority vote of all trustees. The trustees shall prepare an oper-
21 ating budget that must be sent to the Fire District Council for review
22 and approval and then be presented to the annual meeting of the Bonnet
23 Shores Fire District for final approval.

24 The funds authorized in this budget will be paid by the Fire Dis-
25 trict treasurer in accordance with the accepted accounting procedures
26 that are in place for the Fire District at that time.

27 All funds that are released for land acquisition or other pur-
28 poses referred to in section one of this trust, can only be released
29 after approval by a majority of the trustees.

30 SECTION 5. The trust shall have the power to: (a) purchase,
31 receive by gift, or otherwise acquire fee simple or lesser interests
32 in real property, including development rights as defined in section
33 42-82-2 of the general laws, or any interest in real property consist-

1 ent with purposes of this act, including other development rights of
2 any kind whatsoever.

3 (b) Accept gifts, grants or loans of funds or resources or ser-
4 vices from any source, public or private, and comply, subject to the
5 provisions of this act, with any terms and conditions thereof;

6 (c) Accept from state and/or federal agencies, loans or grants or
7 resources for use in carrying out the trust's purposes and enter into
8 agreements with such agencies respecting any such loans or grants;

9 (d) Employ counsel, auditors, engineers, appraisers, private con-
10 sultants, advisors, secretaries or other personnel needed to perform
11 its duties;

12 (e) Administer and manage land and interests in land held by it
13 in a manner which allows public use and enjoyment consistent with the
14 natural and scenic resources thereof, including conveyance of any such
15 land or interests in land to, and contracts with, nonprofit organiza-
16 tions, provided such land shall continue to be used in a manner con-
17 sistent with the purposes of this act and with the terms of any grant
18 or devise by which such land was acquired by the trust;

19 (f) Incur debt, only after authorization in each instance by vote
20 of the Bonnet Shores Fire District Council in accordance with section
21 six of this act. The trust shall be obligated to pay debt service on
22 all such debt to the extent funds are available and to reimburse the
23 Fire District for any funds the Fire District expended to pay such
24 debt service. Whenever the Fire District shall have been required to
25 pay over any sums of money to the trust, the trust shall be precluded
26 from acquiring any additional property until the trust shall have
27 repaid the Fire District in full for all sums paid to the trust here-
28 under and to reimburse the Fire District for any Fire District funds
29 expended to pay such debt service.

30 (g) Dispose of all or any portion of its real property or inter-
31 ests therein held by it, whenever in the opinion of the trustees said
32 lands or properties have become unsuitable or have ceased to be used
33 for the purpose set forth in this act. Such disposition shall be made

1 only by a vote of the trustees in which at least four (4) members vote
2 in favor of such a disposition and further only after having been
3 approved by a two-thirds (2/3) vote at the annual meeting of the Bon-
4 net Shores Fire District. Nothing in this subsection shall be con-
5 strued to authorize the sale, lease or conveyance of lands or improve-
6 ments held by the trust as part of a charitable trust or acquired by
7 gift or devise for the public use, whether or not such gift or devise
8 is subject to a condition subsequent or reverter.

9 (h) Otherwise do all things necessary for the performance of its
10 duties, the fulfillment of its obligation and the conduct of its busi-
11 ness.

12 SECTION 6. All funds collected for the purpose of financing the
13 activities of the trust under this act, subsections (b) and (c), shall
14 be deposited in a fund to be set up as a revolving or sinking account
15 by the treasurer of the Bonnet Shores Fire District. Additional
16 moneys or other liquid assets received as voluntary contributions,
17 grants or loans, funds appropriated to the trust by vote of the annual
18 municipal or special appropriation process used by the town, or pro-
19 ceeds from disposal of real property or interests shall be deposited
20 into said account. All operating expenses lawfully incurred by the
21 trust in carrying out the provisions of this act shall be evidenced by
22 proper vouchers and shall be paid by the treasurer of the Fire Dis-
23 trict only upon submission of warrants duly approved by the trust and
24 by the Fire District Council. The treasurer of the Fire District
25 shall prudently invest available assets of the funds, and all income
26 thereon shall accrue to the fund.

27 Upon termination or dissolution of the trust, the title of all
28 funds and other properties owned by the trust which remain after pay-
29 ment or making provision for payment of all bonds, notes and other
30 obligations of the trust shall vest in the Bonnet Shores Fire Dis-
31 trict.

32 SECTION 7. The trust and all its revenues, income, and real and
33 personal property used by the trust for furtherance of its public pur-

1 poses, shall be exempt from taxation and from betterment and special
2 assessments, and the trust shall not be required to pay any tax,
3 excise or assessment to the state or any of its political subdivi-
4 sions.

5 SECTION 8. Severability. -- The provisions of this act and any
6 ordinance thereunder are severable, and if any provision hereof shall
7 be held invalid in any circumstances such invalidity shall not affect
8 any other provisions or circumstances. This act and any ordinance
9 thereunder shall be construed in all respects so as to meet all con-
10 stitutional requirements. In carrying out the purposes and provisions
11 of this act and any ordinance thereunder, all steps shall be taken
12 which are necessary to meet constitutional requirements whether or not
13 such steps are required by statute.

14 SECTION 9. This act shall take effect upon passage.

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ES1034
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s. 91 1025

PUBLIC LAWS :
CHAPTER

91-419

JT COMM. LEGISLATIVE SERVICES
LAW REVISION OFFICE

AN ACT

ESTABLISHING THE BONNET SHORES LAND TRUST

Presented by *Demetrius A. DeSando (24)*
Lt. Gov. Shau (6)
Whit J. Brown 25

RECEIVED FROM THE GOVERNOR
WITHOUT SIGNATURE
EFFECTIVE JUN 20 1991
IN ACCORDANCE WITH ARTICLE I OF
AMENDMENTS AND OF SECTIONS 47-11
AND 47-12 OF THE GENERAL LAWS.
Kathleen L. Connelley
SECRETARY OF STATE

IN THE SENATE JUN 6 1991
Robert F. Ward
Read and PASSED
Reading Clerk

IN HOUSE OF REPRESENTATIVES
JUN 11 1991
Read and Passed in Concurrence
Christopher J. ...
Clerk

IN HOUSE OF REPRESENTATIVES
JUN 12 1991
TRANSMITTED TO THE
GOVERNOR
Robert F. Ward

EXECUTIVE DEPARTMENT
Received JUN 12 1991
NO ACTION
TAKEN BY THE
GOVERNOR
GOVERNOR