

Shelter Harbor Fire District

Zoom meeting of Ad Hoc committee on voting March 18, 2021

6:35pm - meeting called to order

Committee chair - Patrick Kinney

Committee in attendance - Paul Eldridge, Nancy Fertig, Peter Hark, Robert Palumbo, Deming Sherman, Tom Lloyd.

Committee not attending - Livia Carega

Minutes of previous meeting were approved

Reminder that the committee had been asked to look at charter and bylaws regarding voting standards and proxy voting. The committee will form a recommendation; construct a report with that recommendation to be distributed to the community. Said recommendation (and/or others which may be brought forward by other parties or dissenting committee members) to be submitted to the SHFD community at the Annual Meeting for vote.

Voting standards

Peter Hark presented his research which shows that 25% of properties are owned by multi-property owners. At present this group controls 25% of voting power (under our current voting system which allows each property to carry votes with it — i.e. the votes are tied to the properties).

Limiting voting eligibility to one-person / one-vote would reduce voting power of this group to 12.5%. Does this put a disproportionately negative impact on multi-property owners? He believes it does.

Questions/comments raised re this above issue

(Deming Sherman) Do you also then adjust for single owners? Should they have 2 votes since most are owned by 2 people?

(Paul Eldridge) RI Constitution originally limited voting on financial issues to only property owners and/or taxpayers. This was amended 1973 to say that “voters” could not be limited to just property owners and/or taxpayers and applied the “1 person, 1 vote” principle to municipal voting. Mr. Eldridge believed that this “1 person-2 vote” model would more likely to apply to SHFD as it is more of a “general government entity” in the services it provides.

Separately, the issue was raised that a property could “carry more voting weight” in that both owner and renter (if a registered Westerly voter) could vote in a SHFD election (as per definition of qualified voter as per charter and bylaws). Constitutionally protected in RI but as a practical matter, renters rarely vote in SHFD elections.

Proxies

Joe Rucci informed the committee that in a mid-1990s By Laws review, proxy voting was examined and the decision that a maximum of 3 proxy votes per SH voter would be a reasonable way to help build a quorum and to offer fair representation to SH voters who are seasonal residents and/or otherwise unable

to attend a meeting. Originally proxies could only be voted by spouses; this was extended to “shut-ins” in the 1980s. He continues to believe that limiting proxy voting to only 1 vote per SH voter would disenfranchise voters who might be unable to find a resident to vote their proxies.

In 2019 there were allegations of proxy harvesting.

Question - bad policy or bad behavior or lack of voter direction when giving proxy to another voter?
Does this merit bylaw change?

Legal status of proxy voting?

Peter Ruggiero stated that our Charter is silent specifically on proxies (“or any duly authorized representative of any owner”). It is an ambiguity that we have interpreted through our bylaws to allow proxies. Proxy voting is not provided in general local elections.

Report to SHFD community

Paul Eldridge and Deming Sherman will draft a report to the community re the discussions and recommendations of this committee. A motion will also be drawn up for the Annual Meeting re the majority opinion of the committee. One more Zoom meeting will be called (complying with Open Meeting regulations) to approve/modify/disapprove of report and motion.

Note that said the Motion approved to be submitted to the Annual Meeting will be voted on under the now-existing voting protocols.

General (majority) consensus of the committee

1. Amend bylaws to provide ONE vote per SHFD resident owner or legal Westerly resident renter regardless of how many properties said voter owns.

2. Provide for the ability of any SHFD voter to vote no more than 2 (two) proxy votes for other SHFD voters.

Dissenting votes on the committee

Item #1 - there was one dissenting vote where he believed that the status quo should remain as there were voting rights associated with the properties and that multi property owners should be able to vote as per the rights of each property.

Item #2 - there was no overt objection to 2 votes, but indications that some might not have changed the 3 proxies (bad execution, not bad policy), but little support for limiting to one proxy only upon fuller discussion of the issue.

N.Fertig as recording secretary