

November 14th 2020 - SHFD Ad Hoc Committee to Study Voting - Draft Minutes:

Call to Order by Tom Lloyd

Introductions of 7 Committee members:

Livia Carega
Paul Eldridge
Nancy Fertig
Peter Hark
Patrick Kinney
Bob Palumbo
Deming Sherman

Nomination of Chair and Co Chair - discussion of two board members on Committee serving and decision that best to have mix of 1 board member and 1 non board member. Resulting co chairs decided as Patrick Kinney and Paul Eldridge with Livia Carega volunteering to take minutes.

Presentation of by laws related to voting by Peter Ruggiero & Discussion by Committee

Two classes of voters:

Constitutional right to vote - any registered voter of town of Westerly who lives in district - this cannot be removed.

Property owner - in SHFD, that means someone who has over 40% interest in the property. This one could be altered

**Note constitutional right to vote doesn't apply if people don't live in RI.*

Discussion of origins of voting by proxy - In [Insert Year], it was decided to allow proxy voting to accommodate voting by people not present at the time of the annual meeting at the request of several members in the community. A by law change resulted. The spirit of this by law was to enable voters to be able to vote in absentia, but not allow for "proxy harvesting." Committee Member raised, given technology, should voting be changed to electronic ballots which reduces yet does not eliminate the need for proxy.

Discussion of voting share classes - The 40% rule allows two voters per property. Owning two properties allows one person to have two votes. There are no limitations on the number of times a person can vote. Suppression of a right to vote if you own a property could create a liability.

Person likened Shelter Harbor to a condominium - we each have a space we own, and we each own a piece of our common areas. If one owns two condo properties, they get two votes. That is currently the way it is in Shelter Harbor. Consequences of taking away that right might be legally contentious and engender monetary compensation to that individual who gives up a right to vote on a certain property.

Weekapaug: each property gets one vote, with multiple properties, multiple votes

Watch Hill: each property gets one vote, however multiple properties do Not get multiple votes.

Question asked: Have votes ever been so close that it comes down to a narrow margin? No, they have not based on institutional memory of Board members, Committee members and counsel.

In Subsequent meeting on Dec 12th, Peter Hart reminded everyone that the vote in 2018 was impacted by harvesting of proxies as it was a close vote and led to counsel review of bylaws and practices.

Comment made: if we amend the charter to one vote one person, then the person losing suffrage per property may be owed the value of a vote pertaining to common areas.

Single property - multiple vote via a couple which disadvantages a single person or a widow or widower

Multiple property - multiple votes advantages those who are putting more money into the community

Evolve the application of our by laws. What are we trying to achieve? What issues are we actually voting on?

What are our Options?

- Membership
- Value / Tax Base
- 40% ownership of a Lot

Are there other ways to ensure we are aligned in our joint actions as a community?

Topic of Proxy:

Evolution to electronic voting and proxy when a person can't attend via zoom and vote. Our charter doesn't include the updated RI voting provisions - early and absentee voting. Peter Ruggiero to provide a summary of these for the committee to discuss. Nancy raised how are we thinking about absentee vs. proxy?

Comment from Public

Paul shared high level what he believes were results of 2019 election given comment from public that 2/3rds of votes were cast by 1/3rd of people.

314 votes

292 cast

43 voters who can vote multiple times

Broken down by proxy vs in person and available.

This data to be provided to the Committee.

Issues for Committee to Discuss:

Issue 1: Multiple property / multiple votes - how many votes you have?

Issue 2: Can we alter provisions of by laws without changing charter

Issue 3: Review 2019 data, understand the concerns of citizens, and discuss applicability going forward.

Issue 4: Issue 4 - Proxy Issue - As it stands, three is the max number of proxies an individual can bring to the meeting. Is this too many?

Issue 5: Talking to people from Weekapaug or Watch Hill on how they ended up with one property, one vote.

Next Steps:

1) Peter Ruggiero to provide as follow up:

- Presentation

- Link to early and absentee voting

- Copies of charters from W, WH, Q,

2) Joe Rucci to help with providing 2019 data election results

3) Get from Harry Gregory anonymous tax assessor roll

4) Next Meeting to be set by Patrick in coordination with committee in December before the holidays

Note: We are subject to open meetings / public records act.

Adjournment