

2017 -- H 5740

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LC000915  
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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2017

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A N A C T

IN AMENDMENT OF THE INCORPORATION OF THE CENTRAL COVENTRY FIRE DISTRICT IN FURTHERANCE OF THE "CONSOLIDATION PLAN" OF THE CENTRAL COVENTRY FIRE DISTRICT, THE WASHINGTON LIGHTING DISTRICT, THE HARRIS FIRE AND LIGHTING DISTRICT AND THE TIOGUE FIRE DISTRICT AS APPROVED BY THE QUALIFIED VOTERS OF SAID DISTRICTS, AT DULY CALLED MEETINGS HELD ON MARCH 28, 2006

Introduced By: Representatives Morgan, Nardolillo, and Chippendale

Date Introduced: March 01, 2017

Referred To: House Municipal Government

It is enacted by the General Assembly as follows:

1           SECTION 1. That act entitled "AN ACT IN AMENDMENT OF THE  
2 INCORPORATION OF THE CENTRAL COVENTRY FIRE DISTRICT IN FURTHERANCE  
3 OF THE "CONSOLIDATION PLAN" OF THE CENTRAL COVENTRY FIRE DISTRICT,  
4 THE WASHINGTON LIGHTING DISTRICT, THE HARRIS FIRE & LIGHTING DISTRICT  
5 AND THE TIOGUE FIRE DISTRICT, AS APPROVED BY THE QUALIFIED VOTERS OF  
6 SAID DISTRICTS, AT DULY CALLED MEETINGS HELD ON MARCH 28, 2006", enacted  
7 by the General Assembly on July 6, 2006, and set forth in Chapter 492 in the Public Laws of  
8 2006, is hereby further amended by amending a number of sections and adding a section, to read  
9 as follows:

10           Sec. 3. FIRST CONSOLIDATED DISTRICT MEETING AND ANNUAL MEETINGS  
11 OF THE CONSOLIDATED FIRE DISTRICT.

12           (a) ~~2006—First consolidated meeting: Commencing in the year 2006, a special meeting of~~  
13 ~~the consolidated district shall be held within thirty (30) days of the amendment of this Charter by~~  
14 ~~and among the Boards of Directors of Central Coventry Fire District, the Washington Lighting~~  
15 ~~District, the Harris Fire & Lighting District and the Tiogue Fire District for the purposes of~~  
16 ~~constituting the first Board of Directors of the consolidated district, in accordance with Section 5~~

1 ~~herein and for adopting the initial by laws for the Consolidated District.~~

2       **(b)** Annual Meetings & Quorum: Annual meetings of said fire ~~district~~ District for the  
3 election of officers and the transaction of any other business of the fire district shall be held.  
4 ~~Twenty five (25)~~ One hundred (100) qualified voters shall constitute a quorum for the transaction  
5 of business at any meeting of the corporation. ~~Commencing in 2007 and continuing annually~~  
6 ~~thereafter, the district~~ The District shall hold an annual meeting in a public place on the ~~second~~  
7 third Monday in September, at 7:00 P.M. at such place within the District as the Board shall  
8 determine, for the purposes of: (1) electing a Board of Directors; (2) authorizing the assessment  
9 of all the taxable personal and real property of the District; (3) authorizing the collection of taxes,  
10 as further set forth in Sec. 6 hereunder; (4) authorizing an annual budget to provide for the  
11 purchase and maintenance of equipment, apparatus, real and personal property, the payment of  
12 wages and salaries, and for such other expenditures deemed necessary by the qualified voters of  
13 the District; and (5) For such other lawful purposes deemed necessary and proper by either the  
14 Board of Directors or qualified voters of the district.

15       **(b)** Call of the Meeting: The Clerk of the District shall give notice of the annual  
16 meetings by causing a copy thereof to be posted in the Kent County Times, The Reminder, or a  
17 similar newspaper of general circulation ~~at least twice in some newspaper~~ distributed in Kent  
18 County, and posted in each fire station of the District sixty (60) days prior to the meeting and  
19 thereafter, thirty (30) days prior to the meeting and ~~not less than sixty (60) days prior to the~~  
20 ~~meeting date.~~ thereafter, at least seven (7) days prior to the meeting date.

21       The annual meeting and all other meetings of the District shall be held in a public place,  
22 which shall be accessible to the handicapped, pursuant to the requirements of the Rhode Island  
23 Constitution, Article 1 & 2 and applicable federal and state non-discrimination laws.

24       Sec. 4. SPECIAL MEETINGS

25       (a) Special meetings of the Fire District may be called upon written request of not less  
26 than ~~twenty five (25)~~ one hundred (100) qualified voters, or may be called by a majority vote of  
27 the board of Directors. Written application for a special meeting of the Fire District as well as the  
28 notice thereof, shall mention the reason for such special meeting. Notice of the special meeting of  
29 the Fire District shall be given in the same manner as the annual meeting not less than thirty (30)  
30 days prior to the date of and thereafter at least seven (7) days prior to the date of the meeting. The  
31 purpose of the special meeting of the Fire District shall be stated in the notice and call for meeting  
32 and no other business shall be transacted.

33       (b) Any special meeting of the Fire District called for the purpose of filling a vacancy  
34 among ~~district~~ District officers shall be advertised in the same manner as the annual meeting, as

1 set forth in Section 3 ~~(e)~~(b) of this Charter.

2 (c) Nothing herein shall be construed to prohibit the Board of Directors from calling a  
3 special Board of Directors meetings, or Board work sessions or workshops as they may from time  
4 to time require, as long as the meetings comply with the "Rhode Island Open Meetings Act"  
5 (chapter 46 of title 46.)

6 Sec. 5. DIRECTORS & OFFICERS OF THE CORPORATION—MODERATOR-  
7 QUALIFICATIONS

8 (a) The ~~consolidated district board~~ District Board shall be comprised of seven (7)  
9 ~~directors, Directors, none of whom shall be then serving as a Treasurer or Tax Collector of any~~  
10 ~~individual district, appointed by the respective Boards of each individual fire district and shall be~~  
11 ~~constituted as follows: Two (2) members shall be appointed by the Central Coventry Fire District;~~  
12 ~~Two (2) members shall be appointed by the Central Washington Fire District; One (1) member~~  
13 ~~shall be appointed by the Harris Fire District; One (1) member shall be appointed by the Tiogue~~  
14 ~~Fire District; the final member shall be appointed by the preceding six (6) members and may be~~  
15 ~~from any of the individual fire districts.~~ The ~~consolidated district~~ Board of Directors shall elect a  
16 President and Vice President, and all seven Directors shall be qualified to serve in office until at  
17 least the next annual meeting. ~~At the first meeting of the consolidated district,~~ Thereafter, the  
18 Board shall determine by some acceptable means, the order in which the members' seats shall  
19 come up for election.

20 (b) ~~Thereafter, three (3) Directors will be elected to a three (3) year term at the 2007~~  
21 ~~annual meeting and every third year thereafter. Two (2) directors shall be elected at the 2008~~  
22 ~~annual meeting and every third year thereafter. Two (2) Directors shall be elected at the 2009~~  
23 ~~annual meeting and every third year thereafter.~~

24 ~~(e)~~ Any inhabitant qualified to vote at any District meeting may be a candidate for  
25 District office, provided, however, that no one who is employed by the District as a firefighter, or  
26 employed by another fire district in the Town of Coventry as a firefighter, or employed by  
27 another municipality as a firefighter, or any relative, as defined in the Rhode Island Code of  
28 Ethics [§36-14-2(1)] of a District employee shall be a candidate for District office, provided, that  
29 no one who is employed as a firefighter shall be a candidate for District office, unless they have  
30 been retired or separated from their employment for more than one year at the time of their  
31 candidacy. such A candidate ~~must submits~~ submit to the District ~~clerk~~ Clerk the title of the  
32 elective office sought, together with a petition signed by twenty (20) inhabitants qualified to vote  
33 at any Fire District meeting, at least sixty (60) days prior to the date of the meeting, This list of  
34 signatures is to be certified by the ~~clerk~~ District Clerk no later than thirty (30) days prior to an

1 annual or special meeting of the District.

2 ~~(d)~~(c) The ~~clerk~~ Clerk of the District shall post in a conspicuous place a list of all persons  
3 certified to stand for election and the office to which each person seeks election in at least eight  
4 (8) public places within the ~~district~~ District, including all actively used District stations, at least  
5 twenty (20) days prior to the annual meeting or any other special meeting called for the election  
6 of officers.

7 ~~(e)~~(d) The Board of Directors shall have the power to declare an office vacant if the  
8 person filling that office fails to attend three (3) consecutive monthly meetings of the Board.  
9 without prior notification to the Board. The Board is authorized to excuse the absence of a  
10 Director from any meeting.

11 ~~(f)~~(e) If a vacancy shall occur on the Board six (6) months or more prior to the next  
12 regular election, a special election shall be called by the Clerk in the manner set forth in Sec. 4 of  
13 the Charter. If the vacancy shall occur less than six (6) months prior to the next regular election,  
14 the vacancy shall be filled for the unexpired terms by the remaining members of the Board. In the  
15 event that a vacancy in any other elective office of the District occurs, the ~~president~~ President or  
16 ~~clerk~~ Clerk shall call a meeting of the Board of Directors of the ~~district~~ District within ten (10)  
17 working days after such vacancy occurs. The Board of Directors shall select a qualified elector of  
18 the District to fill the vacancy for a period of up to sixty (60) days.

19 ~~(g) Upon the occurrence of any vacancy in any elective office of the District, the~~  
20 ~~president shall call a special meeting of the District for the purpose of electing a qualified elector~~  
21 ~~to fill the office vacated for the remainder of the original term of office. Said special meeting~~  
22 ~~shall be held within sixty-five (65) days from the date such original vacancy occurs.~~

23 Sec. 6 DUTIES OF THE BOARD OF DIRECTORS

24 (a) The Board of Directors shall hold monthly public meetings to conduct the business of  
25 the District. The Board of Directors shall be empowered and responsible to: (1) Fix the amount of  
26 the bond of the Finance Director or Treasurer and the Tax Collector; (2) Order payment of the  
27 district's bills and indebtedness; (3) Be in charge of and supervise the care of the district's  
28 properties; (4) Cause district property to be insured; (5) Purchase equipment, property and  
29 apparatus as required by the District's needs and budget; (6) Appoint ~~an Administrative~~ a Fire  
30 Chief, Tax Collector and Treasurer and other employees. No less than one-half (1/2) of the  
31 members of the Board of Directors shall constitute a quorum at any meeting of the Board.

32 (b) The foregoing list of duties shall not be deemed to be limiting and the ~~directors~~ Board  
33 of Directors shall have all necessary authority to operate and conduct the business of the District  
34 as necessary, all within the bounds of the laws of the State of Rhode Island. The Board of

1 Directors shall have the power to appoint and/or employ a tax assessor, tax collector, treasurer,  
2 clerk, and other committees and/or positions deemed necessary for the efficient operation of the  
3 District.

4 (c) The members of the Board of Directors and any official appointed by said Board of  
5 Directors shall be subject to the Rhode Island Code of Ethics in Government, Chapter 14 of Title  
6 36 of the Rhode Island General Laws.

7 (d) The president of said District shall preside at all annual and special meetings as  
8 moderator; in his/her absence the vice president shall serve as moderator; in the absence of both,  
9 a temporary moderator may be elected by a majority of voters present and voting.

10 (e) The administrative duties of these Directors shall be specified in the by-laws of the  
11 fire ~~district~~ District.

12 (f) Recall of Director(s).

13 Any Director, having been in office for at least six (6) months, may be removed from  
14 office by a recall petition prepared and approved by the voters of the District in the manner  
15 hereinafter provided for the recall.

16 Upon application by a registered voter of the District, the Clerk of the District shall issue  
17 recall petition blanks, which shall be dated, shall demand the removal of the designated Director,  
18 and shall also state the cause upon which the removal is sought. The petition is to be filed with  
19 the Clerk of the District within thirty (30) days after issuance to be in order for the certification  
20 process.

21 The signatures to a recall petition need not all be appended to a single paper, but each  
22 signatory shall add their signature as the same appears in the records of the Board of Canvassers  
23 and registration records, and the signatory's place of residence, including the street name and  
24 number. One of the signatories shall take an oath before an officer competent to administer oaths  
25 that the statement therein made is true, as the signer believes.

26 The recall petition shall be signed by at least twenty percent (20%) of the registered  
27 voters of the District for certification purposes. The petition is to be submitted by the Clerk of the  
28 District to the Coventry Board of Canvassers and Registration for certification forthwith. If the  
29 petition shall be found and certified by the Board of Canvassers and Registration to be sufficient,  
30 the Board shall, within ten (10) days, submit the same to the Board of Directors without delay;  
31 the Board of Directors shall order an election to be held on a Monday fixed by it not more than  
32 seventy-five (75) days after the date of the Board of Canvassers and Registration's certificate that  
33 a sufficient petition is filed. However, if the annual meeting is to occur within ninety (90) days  
34 after the date of the certification, the Board of Directors shall postpone the holding of the recall

1 [election to the date of said annual meeting.](#)

2           Sec. 7. TAXING AUTHORITY - TAX ASSESSOR - CAP ON SPENDING, LEVY -  
3 RATIFICATION OF COLLECTIVE BARGAINING AGREEMENTS.

4           (a) ~~Said~~ [The](#) qualified voters at any of their legal meetings shall have the power to order  
5 such taxes and provide for the assessing and collecting of the same on the taxable inhabitants and  
6 property in ~~said the district~~ [District](#) as they shall deem necessary for purchasing fire engines, and  
7 all other implements and apparatus for the extinguishing of fire; for the purchase of land and  
8 buildings for keeping same; for the purchasing, installation, operation and maintenance of a  
9 suitable alarm system; for making cisterns and reservoirs; for paying the salaries of ~~district~~  
10 [District](#) officers and employees, firemen, as well as the members of the rescue unit known as  
11 Central Coventry Rescue. And ~~such the~~ taxes, so ordered, shall be assessed by the assessors of  
12 ~~said the district~~ [District](#) on the taxable inhabitants and property therein according to the last  
13 valuation made by the assessors of the town of Coventry next previous to ~~said the~~ assessment,  
14 adding, however, any taxable property which may have been omitted by ~~said town assessors~~ [the](#)  
15 [tax assessors](#) or afterwards acquired; and in assessing and collecting ~~said the~~ taxes ~~such the~~  
16 proceedings shall be had by the officers of ~~said the district~~ [District](#), as near as may be, as are  
17 required to be had by the corresponding officers of towns in assessing and collecting taxes.;  
18 provided, however, that the tax assessed and payable in any one year under the provisions of this  
19 section shall not exceed six (6) mills ~~an~~ [on](#) each dollar of valuation.

20           (b) The qualified voters of the ~~Central Coventry Fire~~ District are also authorized to raise  
21 money through taxes to purchase the necessary vehicles and equipment to operate and maintain a  
22 rescue unit to be known as the Central Coventry Rescue.

23           (c) TAX ASSESSOR

24           There shall be at least one District Tax Assessor, ~~who may also serve as District Clerk,~~  
25 who shall be appointed or employed by the ~~District. The tax assessor shall levy and assess taxes~~  
26 ~~at such rate as the district shall vote, on all taxable real and personal property in the district and~~  
27 ~~shall prepare and deposit the tax list with the tax collector and treasurer of the district; said board~~  
28 ~~shall assess property on the basis of the last valuation made by the assessors of the Town of~~  
29 ~~Coventry next previous to said assessment.~~ [Board of Directors. The Assessor shall be responsible](#)  
30 [to certify the tax roll prior to the annual meeting, and shall report the same to the Board of](#)  
31 [Directors.](#)

32           (d) [Notwithstanding any other provision of this Charter, in no event, shall the qualified](#)  
33 [voters of the District have the authority at the annual meeting to increase the annual budget](#)  
34 [proposal recommended by the Board of Directors by more than four percent \(4%\) above the total](#)

1 proposed budget.

2 In the event that an amendment to the budget proposes an increase of more than four  
3 percent (4%) of the budget proposed by the Board of Directors, and all-day referendum shall be  
4 required to approve said amendment. The all-day referendum shall be conducted by the Board of  
5 Canvassers for the Town of Coventry and polling shall be open from 7:00 a.m. to 8:00 p.m.

6 (e) Notwithstanding any other provision of this Charter, in no case, shall the qualified  
7 voters of the District have the authority to increase the tax levy at the annual meeting by more  
8 than four percent (4%) above the prior year's levy.

9 In the event that an amendment to the budget proposes an increase of the tax levy by  
10 more than four percent (4%) above the prior year's levy, an all-day referendum shall be required  
11 to approve said increase to the levy. The all-day referendum shall be conducted by the Board of  
12 Canvassers for the Town of Coventry and polling shall be open from 7:00 a.m. to 8:00 p.m.

13 (f) RATIFICATION OF COLLECTIVE BARGAINING AGREEMENTS.

14 At the annual meeting, the qualified electors of the District shall ratify all collective  
15 bargaining agreements negotiated by the Board of Directors, which ratification shall be for each  
16 year of the agreement, concurrent with the approval of the annual budget proposal, appropriation  
17 and authorization to expend monies.

18 Sec. 8 DISTRICT CLERK

19 There shall be a District Clerk who shall be appointed or employed by the District. The  
20 ~~clerk~~ Clerk shall keep full, fair and accurate records and minutes of the meetings of the Board of  
21 Directors and ~~district~~ District meetings and shall make said minutes available to members of the  
22 public, in accordance with the Rhode Island "Public Records Act", Chapter 2 of Title 38, ~~of the~~  
23 ~~Rhode Island General Laws~~. The Clerk shall be responsible to give notice of District meetings as  
24 set forth under the provisions of this Charter and pursuant to the Rhode Island "Open Meetings  
25 ~~Laws Act~~", Chapter 46 of Title 42, ~~of the Rhode Island General Laws~~. The ~~clerk~~ Clerk shall  
26 maintain a current copy of the District Charter and by-laws.

27 Sec . 9 ~~DISTRICT TREASURER~~ FINANCE DIRECTOR - TREASURER

28 ~~There shall be a District Treasurer who shall be appointed or employed by the District.~~  
29 The Board of Directors shall be empowered to employ a Finance Director or Treasurer, as the  
30 same shall be referred to. The ~~Treasurer~~ holder of the position shall be responsible for  
31 management and administration of the District, except for fire department operations, which shall  
32 be the purview of a fire chief, and shall be responsible to and shall report to the Board of  
33 Directors monthly. This person shall have a degree in accounting, or have a Certified Public  
34 Accountant ("CPA") designation as minimum criteria. The following shall also be included as the

1 duties and responsibilities of the holder of the position, as may be modified from time to time by  
2 the Board of Directors:

3 The holder of the position shall account for ~~receive~~ all money paid to the District and  
4 ~~deposit~~ ensure that the same ~~is deposited into~~ such federally insured bank or banking ~~system~~  
5 institution as shall be designated by the Board of Directors to the credit of the District, provided  
6 that in the event of a surplus of funds, the Board of Directors may direct deposits to be made in a  
7 savings account in some federally insured banking institution. The ~~Treasurer~~ holder of the  
8 position shall sign all duly authorized ~~distinct~~ District notes and bonds and shall be bonded in an  
9 amount to be determined by the Board of Directors. The ~~Treasurer~~ holder of the position shall pay  
10 all District obligations by check, or ACH, provided the same are within the spending authority  
11 established by the qualified electors at the annual meeting; otherwise, those expenditures shall be  
12 ~~as~~ approved by the Board of Directors and shall close the books as of the last day of each fiscal  
13 year. The ~~Treasurer~~ holder of the position shall submit a report to the Board of Directors monthly.  
14 The ~~Treasurer~~ holder of the position shall at every annual meeting, fully report the condition of  
15 the treasury of the District, showing receipts and expenditures of the preceding year.

16 In addition to the foregoing, the holder of the position shall oversee all financial  
17 operations of the District and direct financial planning and structure, coordinate, analyze and  
18 report the financial performance to the Board; prepare short- and long-term financial forecasts of  
19 financial performance for use with internal management and external parties; oversee audit  
20 functions; develop, implement and maintain accounting and administrative policies and  
21 procedures for financial accounting, employee relations and other District policies; coordinate all  
22 human resource activities including employee benefits, retirement, corporate insurance and  
23 related activities.

#### 24 Sec. 10 TAX COLLECTOR

25 There shall be a District Tax Collector who shall be appointed or employed by the  
26 District. The tax collector shall collect and ~~pay to the District treasurer~~ cause to be deposited into  
27 a federally insured bank or banking institution as designated by the Board of Directors all taxes  
28 and interest collected by him/her as and when received and shall be bonded in a sum fixed by the  
29 Board of Directors; shall close his or her books as of the last day of each fiscal year and shall  
30 prepare and present a written report to the annual meeting; shall submit a written report to the  
31 ~~treasurer~~ Board of Directors monthly; shall consult an attorney approved by the Board when legal  
32 action is necessary for the collection of unpaid taxes, including being responsible for holding an  
33 annual tax sale on property to satisfy unpaid taxes owed to the District; and; shall be responsible  
34 for the preparation of the tax roll.

1           Sec. 11 BY-LAWS

2           The qualified voters of ~~said the district~~ District may enact all by-laws by them adjudged  
3 necessary and expedient for carrying the provisions of this act into effect, provided the same be  
4 not in violation of or repugnant to the laws of this state. The qualified voters may change any  
5 provision of the by-laws at any annual or special meeting, provided the proposed change has been  
6 noticed in the call of the meeting.

7           Sec. 12. AUTHORIZATION TO BORROW FUNDS

8           The Central Coventry ~~fire district~~ Fire District is hereby authorized and empowered to  
9 borrow ~~from time to time such sums of money as may be necessary, not however, to exceed the~~  
10 ~~sum of three hundred thousand (\$300,000) dollars one half (1/2) of the annual operating budget,~~  
11 ~~for the purpose of procuring real and personal estate, the erection and maintenance of buildings,~~  
12 ~~the procuring of fire and water apparatus, for the payment of any legal indebtedness of said~~  
13 ~~district, or for the purpose of purchasing or procuring any other property, real or personal, that~~  
14 ~~may be legally acquired and held by said district.~~ such sums of money as may be necessary in  
15 anticipation of current taxes and revenues.

16           Sec. 13. CAP ON INDEBTEDNESS

17           The Central Coventry Fire District shall not, in any year, have indebtedness of more than  
18 fifteen percent (15%) of that year's annual budget.

19           Sec. ~~13.~~ 14. The Central Coventry ~~fire district~~ Fire District is authorized to install lighting  
20 on the streets and highways of the district.

21           Sec. ~~14.~~ 15. PRESERVATION OF RIGHTS UNDER EXISTING LABOR

22 CONTRACTS

23           In accordance with the ~~provision~~ provisions of ~~Section 19.1 of Chapter 7, Title 28 of the~~  
24 ~~Rhode Island General Laws §28-7-191,~~ this act of consolidation shall not impair the provisions of  
25 any existing labor contracts for persons employed by any of the individual fire districts.  
26 Notwithstanding this consolidation, the labor contracts shall continue in full force and effect until  
27 their termination dates or until otherwise agreed by the parties or their legal successors.

28           Sec. ~~15.~~ 16. This act shall take effect no later than sixty days after its enactment, and all  
29 acts or parts of acts inconsistent herewith or repugnant thereto, are hereby repealed.

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF

A N A C T

IN AMENDMENT OF THE INCORPORATION OF THE CENTRAL COVENTRY FIRE DISTRICT IN FURTHERANCE OF THE "CONSOLIDATION PLAN" OF THE CENTRAL COVENTRY FIRE DISTRICT, THE WASHINGTON LIGHTING DISTRICT, THE HARRIS FIRE AND LIGHTING DISTRICT AND THE TIOGUE FIRE DISTRICT AS APPROVED BY THE QUALIFIED VOTERS OF SAID DISTRICTS, AT DULY CALLED MEETINGS HELD ON MARCH 28, 2006

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1           This act would amend and make a number of changes to the legislative charter of the  
2 Central Coventry Fire District.

3           This act would take effect no later than sixty days after its enactment, and all acts or parts  
4 of acts inconsistent herewith or repugnant thereto, are hereby repealed.

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