

2019 -- H 6174

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2019

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A N A C T

RELATING TO THE CENTRAL COVENTRY FIRE DISTRICT

Introduced By: Representative George A. Nardone

Date Introduced: May 31, 2019

Referred To: House Municipal Government

It is enacted by the General Assembly as follows:

1 SECTION 1. Sections 3, 4, 5, 6, 7, 8, 9, 10, 11, 12 and 13 of Chapter 405 of the Public
2 Laws, 2006, entitled, "AN ACT IN AMENDMENT OF THE INCORPORATION OF THE
3 CENTRAL COVENTRY FIRE DISTRICT IN FURTHERANCE OF THE "CONSOLIDATION
4 PLAN" OF THE CENTRAL COVENTRY FIRE DISTRICT, THE WASHINGTON LIGHTING
5 DISTRICT, THE HARRIS FIRE & LIGHTING DISTRICT AND THE TIOGUE FIRE
6 DISTRICT, AS APPROVED BY THE QUALIFIED VOTERS OF SAID DISTRICTS, AT
7 DULY CALLED MEETINGS HELD ON MARCH 28, 2006" and as subsequently amended by
8 Chapter 238 of the Public Laws, 2012, and Chapters 34 and 45 of the Public Laws, 2017, are
9 hereby amended to read as follows:

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

13 ~~(a) 2006—First consolidated meeting:~~

14 ~~Commencing in the year 2006, a special meeting of the consolidated district shall be held~~
15 ~~within thirty (30) days of the amendment of this Charter by and among the Boards of Directors of~~
16 ~~Central Coventry Fire District, the Washington Lighting District, the Harris Fire & Lighting~~
17 ~~District and the Tiogue Fire District for the purposes of constituting the first Board of Directors of~~
18 ~~the consolidated district, in accordance with Section 5 herein and for adopting the initial by laws~~
19 ~~for the Consolidated District.~~

1 ~~(b)~~(a) Annual Meetings & Quorum:

2 Annual meetings of said fire district for the election of officers and the transaction of any
3 other business of the fire district shall be held. Twenty five (25) qualified voters shall constitute a
4 quorum for the transaction of business at any meeting of the corporation.

5 ~~The annual meeting of said district shall be held on the second Tuesday of December in~~
6 ~~each year. Effective for 2017 through 2018, the district's fiscal year shall be from December 1,~~
7 ~~2017, to December 31, 2018. Beginning on January 1, 2019, and each year thereafter the district's~~
8 ~~fiscal year shall be the calendar year, from January 1 until December 31.~~

9 ~~Commencing in 2007 and continuing annually thereafter, the district~~ The District shall
10 hold an annual meeting in a public place on the ~~first~~ third Monday in ~~October~~ September, at 7:00
11 P.M. at such place within the District as the Board shall determine, for the purposes of: (1)
12 ~~electing~~ Electing a Board of Directors; (2) ~~authorizing~~ Authorizing the assessment of all the
13 taxable personal and real property of the District; (3) ~~authorizing~~ Authorizing the collection of
14 taxes, as further set forth in Section 6 hereunder; (4) ~~authorizing~~ Authorizing an annual budget to
15 provide for the purchase and maintenance of equipment, apparatus, real and personal property,
16 the payment of wages and salaries, and for such other expenditures deemed necessary by the
17 qualified voters of the District; and (5) For such other lawful purposes deemed necessary and
18 proper by either the Board of Directors or qualified voters of the district.

19 ~~(e)~~(b) Call of the Meeting:

20 The ~~Clerk of the District~~ District Clerk shall give notice of the annual meetings by
21 causing a copy thereof to be posted ~~at least twice in some newspaper distributed in Kent County,~~
22 ~~and posted in each fire station of the District not less than sixty (60) days prior to the meeting~~
23 ~~date~~ in the Kent County Times, The Reminder, or a similar newspaper of general circulation
24 distributed in Kent County, and posted in each fire station of the District thirty (30) days prior to
25 the meeting and thereafter, at least seven (7) days prior to the meeting date. The annual meeting
26 and all other meetings of the District shall be held in a public place, which shall be accessible to
27 the handicapped, pursuant to the requirements of the Rhode Island Constitution, Article 1 & 2 and
28 applicable federal and state non-discrimination laws.

29 *Sec. 4. SPECIAL MEETINGS*

30 (a) ~~Special meetings may be called upon written request of not less than twenty five (25)~~
31 ~~qualified voters, or may be called by a majority vote of the board of Directors. Written~~
32 ~~application for a special meeting as well as the notice thereof, shall mention the reason for such~~
33 ~~special meeting. Notice of the special meeting shall be given in the same manner as the annual~~
34 ~~meeting not less than thirty (30) days prior to the date of the meeting. The purpose of the meeting~~

1 ~~shall be stated in the notice and call for meeting and no other business shall be transacted.~~ Special
2 meetings of the fire District may be called upon written request of not less than one hundred
3 (100) qualified voters or may be called by a majority vote of the Board of Directors. Written
4 application for a special meeting of the fire District, as well as the notice thereof, shall mention
5 the reason for such special meeting. Notice of the special meeting of the fire District shall be
6 given in the same manner as the annual meeting not less than thirty (30) days prior to the date of
7 the meeting, thereafter, at least seven (7) days prior to the date of the meeting. The purpose of the
8 special meeting of the fire District shall be stated in the notice and call for meeting and no other
9 business shall be transacted.

10 (b) ~~Any special meeting called for the purpose of filling a vacancy among district officers~~
11 ~~shall be advertised in the same manner as the annual meeting, as set forth in Section 3 (c) of this~~
12 ~~Charter.~~ Nothing herein shall prohibit the Board of Directors from calling such special Board of
13 Directors meetings, or Board work sessions or workshops as they may from time to time require,
14 so long as said meetings comply with the Open Meetings Act set forth in chapter 46 of title 42 of
15 the Rhode Island General Laws.

16 *Sec. 5. DIRECTORS & OFFICERS OF THE CORPORATION – MODERATOR -*
17 **QUALIFICATIONS**

18 (a) ~~The consolidated district board shall be comprised of seven (7) directors, none of~~
19 ~~whom shall be then serving as a Treasurer or Tax Collector of any individual district, appointed~~
20 ~~by the respective Boards of each individual fire district and shall be constituted as follows: Two~~
21 ~~(2) members shall be appointed by the Central Coventry Fire District; Two (2) members shall be~~
22 ~~appointed by the Central Washington Fire District; One (1) member shall be appointed by the~~
23 ~~Harris Fire District; One (1) member shall be appointed by the Tiogue Fire District; the final~~
24 ~~member shall be appointed by the preceding six (6) members and may be from any of the~~
25 ~~individual fire districts. The consolidated district Board of Directors shall elect a President and~~
26 ~~Vice President, and all seven Directors shall be qualified to serve in office until at least the next~~
27 ~~annual meeting. At the first meeting of the consolidated district, the Board shall determine by~~
28 ~~some acceptable means, the order in which the members' seats shall come up for election. The~~
29 District Board shall be comprised of seven (7) Directors. The Board of Directors shall elect a
30 President and Vice President, and all seven (7) Directors shall be qualified to serve in the office
31 until at least the next annual meeting. Board members shall serve three (3) year terms, staggered
32 by the year in which they were elected. For example, if a Board member was elected in 2018, his
33 or her term would be up for election in 2021.

34 (b) ~~Thereafter, three (3) Directors will be elected to a three (3) year term at the 2007~~

1 ~~annual meeting and every third year thereafter. Two (2) directors shall be elected at the 2008~~
2 ~~annual meeting and every third year thereafter. Two (2) Directors shall be elected at the 2009~~
3 ~~annual meeting and every third year thereafter.~~ Any inhabitant qualified to vote at any District
4 meeting, may be a candidate for District office. Such candidate must submit to the District Clerk
5 the title of the elective office sought, together with a petition signed by twenty (20) inhabitants
6 qualified to vote at any fire District meeting, at least sixty (60) days prior to the date of the
7 meeting. This list of signatures is to be certified by the District Clerk no later than thirty (30) days
8 prior to an annual or special meeting of the fire District.

9 ~~(e) Any inhabitant qualified to vote at any District meeting may be a candidate for~~
10 ~~District office, provided such candidate submits to the District clerk the title of the elective office~~
11 ~~sought, together with a petition signed by twenty (20) inhabitants qualified to vote at any District~~
12 ~~meeting, at least sixty (60) days prior to the date of the meeting, This list of signatures is to be~~
13 ~~certified by the clerk no later than thirty (30) days prior to an annual or special meeting of the~~
14 ~~District.~~

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

20 ~~(e) The Board of Directors shall have the power to declare an office vacant if the person~~
21 ~~filling that office fails to attend three (3) consecutive monthly meetings of the Board.~~

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

26 (e) If a vacancy shall occur on the Board, the President or District Clerk shall call a
27 meeting of the Board of Directors of the District within ten (10) working days after such vacancy
28 shall occur. The remaining Board members shall appoint a replacement to fill the vacancy until
29 the next regular election of officers, at which time the vacant position shall be filled through an
30 election for the balance of the term.

31 ~~(f) In the event that a vacancy in any elective office of the District occurs, the president or~~
32 ~~clerk shall call a meeting of the Board of Directors of the district within ten (10) working days~~
33 ~~after such vacancy occurs. The Board of Directors shall select a qualified elector of the District to~~
34 ~~fill the vacancy until the next annual meeting.~~

1 ~~(g) Upon the occurrence of any vacancy in any elective office of the District, at the next~~
2 ~~annual meeting an election will be held for the purpose of electing a qualified elector to fill the~~
3 ~~office vacated for the remainder of the original term of office.~~

4 *Sec. 6 DUTIES OF THE BOARD OF DIRECTORS*

5 (a) The Board of Directors shall hold monthly public meetings to conduct the business of
6 the District. The Board of Directors shall be empowered and responsible to: (1) Fix the amount of
7 the bond of the Finance Director or Treasurer and the Tax Collector; (2) Order payment of the
8 ~~district's~~ District's bills and indebtedness; (3) Be in charge of and supervise the care of the
9 ~~district's~~ District's properties; (4) Cause ~~district~~ District property to be insured; (5) ~~Upon the~~
10 ~~recommendation of the Fire Chief, purchase~~ Purchase equipment, property and apparatus ~~and sell~~
11 ~~obsolete, decommissioned or surplus equipment, property and apparatus~~ as required by the
12 District's needs and budget; (6) Appoint ~~an Administrative~~ a Fire Chief, Tax Collector and
13 Treasurer and other employees. No less than one half (1/2) of the members of the Board of
14 Directors shall constitute a quorum at any meeting of the Board.

15 (b) The foregoing list of duties shall not be deemed to be limiting and the ~~directors~~ Board
16 of Directors shall have all necessary authority to operate and conduct the business of the District
17 as necessary, all within the bounds of the laws of the State of Rhode Island. The Board of
18 Directors shall have the power to appoint and/or employ a tax assessor, tax collector, treasurer,
19 clerk, and other committees and/or positions deemed necessary for the efficient operation of the
20 District.

21 (c) The members of the Board of Directors and any official appointed by said Board of
22 Directors shall be subject to the Rhode Island Code of Ethics in Government, Chapter 14 of Title
23 36 of the Rhode Island General Laws.

24 (d) The ~~president~~ President of said District shall preside at all annual and special
25 meetings as moderator; in his/her absence the ~~vice-president~~ Vice President shall serve as
26 moderator; in the absence of both, a temporary moderator may be elected by a majority of voters
27 present and voting.

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

30 (f) Recall of Director(s).

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

34 Upon application by a registered voter of the District, the District Clerk shall issue recall

1 petition blanks, which shall be dated, which shall demand the removal of the designated Director,
2 and which shall also state the cause upon which the removal is sought. The petition is to be filed
3 with the District Clerk within thirty (30) days after issuance to be in order for the certification
4 process.

5 The signatures to a recall petition need not all be appended to a single paper, but each
6 signer shall add his or her signature as the same appears on the Board of Canvassers and
7 Registration's records, and the signer's place of residence, giving the street name and number.
8 One of the signers shall take an oath before an officer competent to administer oaths that the
9 statement therein made is true, as the signer believes, and that each signature to the paper
10 appended is the genuine signature of the person whose name it purports to be.

11 The recall petition shall be signed by at least twenty percent (20%) of the registered
12 voters of the District for certification purposes. The petition is to be submitted by the District
13 Clerk to the Coventry Board of Canvassers and Registration for certification forthwith. If the
14 petition shall be found and certified by the Board of Canvassers and Registration to be sufficient,
15 within ten (10) days said Board shall submit the same to the Board of Directors without delay.
16 The Board of Directors shall order an election to be held on a Monday fixed by it no more than
17 seventy-five (75) days after the date of the Board of Canvassers and Registration's certificate that
18 a sufficient petition is filed; however, if the annual meeting is to occur within ninety (90) days
19 after the date of the certification, the Board of Directors shall postpone the holding of the recall
20 election to the date of said annual meeting.

21 *Sec. 7. TAXING AUTHORITY - TAX ASSESSOR*

22 (a) Said qualified voters at any of their legal meetings shall have the power to order such
23 taxes and provide for the assessing and collecting of the same on the taxable inhabitants and
24 property in said ~~district~~ District as they shall deem necessary for purchasing fire engines, and all
25 other implements and apparatus for the extinguishing of fire; for the purchase of land and
26 buildings for keeping same; for the purchasing, installation, operation and maintenance of a
27 suitable alarm system; for making cisterns and reservoirs; ~~for the purchase of necessary vehicles~~
28 ~~and equipment to operate and maintain emergency medical services;~~ for paying the salaries of
29 ~~district~~ District officers and employees, as well as the members of the rescue unit known as
30 Central Coventry Rescue. And such taxes, so ordered, shall be assessed by the assessors of said
31 ~~district~~ District on the taxable inhabitants and property therein according to the last valuation
32 made by the assessors of the town of Coventry next previous to said assessment, adding,
33 however, any taxable property which may have been omitted by said town assessors or afterwards
34 acquired; and in assessing and collecting said taxes such proceedings shall be had by the officers

1 of said ~~district~~ District, as near as may be, as are required to be had by the corresponding officers
2 of towns in assessing and collecting taxes.

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

6 (c) TAX ASSESSOR

7 There shall be at least one District Tax Assessor, ~~who may also serve as District Clerk,~~
8 who shall be appointed or employed by the ~~District~~ Board of Directors. The ~~tax assessor~~ Assessor
9 shall ~~levy and assess taxes at such rate as the district shall vote, on all taxable real and personal~~
10 ~~property in the district and shall prepare and deposit the tax list with the tax collector and~~
11 ~~treasurer of the district; said board shall assess property on the basis of the last valuation made by~~
12 ~~the assessors of the Town of Coventry next previous to said assessment~~ be responsible to certify
13 the tax roll prior to the annual meeting and shall report the same to the Board of Directors.

14 *Sec. 8. DISTRICT CLERK*

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

23 *Sec . 9. ~~DISTRICT TREASURER~~*

24 ~~There shall be a District Treasurer who shall be appointed or employed by the District.~~
25 ~~The Treasurer shall receive all money paid to the District and deposit the same in such federally~~
26 ~~insured bank or banking system as shall be designated by the Board of Directors to the credit of~~
27 ~~the District, provided that in the event of a surplus of funds, the Board of Directors may direct~~
28 ~~deposits to be made in a savings account in some federally insured banking institution. The~~
29 ~~Treasurer shall sign all duly authorized distinct notes and bonds and shall be bonded in an amount~~
30 ~~to be determined by the Board of Directors. The Treasurer shall pay all District obligations by~~
31 ~~check, as approved by the Board of Directors and shall close the books as of the last day of each~~
32 ~~fiscal year. The Treasurer shall submit a report to the Board of Directors monthly. The Treasurer~~
33 ~~shall at every annual meeting, fully report the condition of the treasury of the District, showing~~
34 ~~receipts and expenditures of the preceding year.~~

1 FINANCE DIRECTOR -- TREASURER

2 The Board of Directors shall be empowered to employ a Finance Director or Treasurer,
3 as the same shall be referred to. The position shall be responsible for management and
4 administration of the District, except for fire department operations, which shall be the purview of
5 a fire chief, and shall be responsible to and shall report to the Board of Directors monthly. This
6 person shall have a degree in accounting or a Certified Public Accountant ("CPA") designation as
7 minimum criteria. The following shall also be included as the duties and responsibilities of this
8 position, as may be modified from time to time by the Board of Directors:

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

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

29 *Sec. 10. TAX COLLECTOR*

30 There shall be a District Tax Collector who shall be appointed or employed by the
31 District. ~~The tax collector shall collect and pay to the District treasurer all taxes and interest~~
32 ~~collected by him/her as and when received and shall be bonded in a sum fixed by the Board of~~
33 ~~Directors; shall close his or her books as of the last day of each fiscal year and shall prepare and~~
34 ~~present a written report to the annual meeting; shall submit a written report to the treasurer~~

1 ~~monthly; shall consult an attorney approved by the Board when legal action is necessary for the~~
2 ~~collection of unpaid taxes; shall be responsible for the preparation of the tax roll. The Tax~~
3 Collector shall collect and cause to be deposited into a federally insured bank or banking
4 institution as designated by the Board of Directors all taxes and interest collected by him or her as
5 and when received and shall be bonded in a sum fixed by the Board of Directors; shall close his
6 or her books as of the last day of each fiscal year and shall prepare and present a written report to
7 the annual meeting; shall submit a written report to the Board of Directors monthly; shall consult
8 an attorney approved by the Board when legal action is necessary for the collection of unpaid
9 taxes, including being responsible for holding an annual tax sale on property to satisfy unpaid
10 taxes owed to the District; and, shall be responsible for the preparation of the tax roll.

11 *Sec. 11. BY-LAWS*

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

17 *Sec. 12. AUTHORIZATION TO BORROW FUNDS*

18 The Central Coventry ~~fire district~~ Fire District is hereby authorized and empowered to
19 borrow ~~from time to time~~ such sums of money as may be necessary, ~~not however, to exceed the~~
20 ~~sum of one half (1/2) of the annual operating budget, for the purpose of procuring real and~~
21 ~~personal estate, the erection and maintenance of buildings, the procuring of fire and water~~
22 ~~apparatus, for the payment of any legal indebtedness of said district, or for the purpose of~~
23 ~~purchasing or procuring any other property, real or personal, that may be legally acquired and~~
24 ~~held by said district~~ in anticipation of current taxes and revenues, not to exceed fifteen percent
25 (15%) of the annual budget.

26 *Sec. 13.* The Central Coventry fire district is authorized to install lighting on the streets
27 and highways of the district; provided, however, that any new installation of lighting or repair of
28 existing lighting shall be required to use Light-Emitting Diode ("LED") or other energy-reducing
29 technology to lower the cost of said lighting.

30 *Sec. 15.* This act shall take effect no later than sixty (60) days after its enactment and all
31 acts or parts of acts inconsistent herewith or repugnant thereto, are hereby repealed.

32 SECTION 2. This act shall take effect no later than sixty (60) days after passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO THE CENTRAL COVENTRY FIRE DISTRICT

1 This act would amend the procedures for the holding of the annual meeting, special
2 meetings, the election, recall and duties of the board of directors and officers as well as the duties
3 of the tax assessor, district clerk, finance director-treasurer and tax collector, the borrowing of
4 funds and installation or repair of lighting.

5 This act would take effect no later than sixty (60) days after passage.

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