

**2013 -- H 6194 SUBSTITUTE A**

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LC02674/SUB A/2  
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**STATE OF RHODE ISLAND**

**IN GENERAL ASSEMBLY**

**JANUARY SESSION, A.D. 2013**

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A N A C T

RELATING TO THE CONSOLIDATION OF THE CUMBERLAND, NORTH  
CUMBERLAND, CUMBERLAND HILL, AND VALLEY FALLS FIRE DISTRICTS INTO  
THE CUMBERLAND FIRE DISTRICT

Introduced By: Representatives McLaughlin, Phillips, Hull, Bennett, and McNamara

Date Introduced: June 04, 2013

Referred To: House Municipal Government

It is enacted by the General Assembly as follows:

1           SECTION 1. The Cumberland, North Cumberland, Cumberland Hill, and Valley Falls  
2 Fire Districts are hereby merged and consolidated into the Cumberland Fire District in the manner  
3 and form as follows:

4           Section 1. Name And Jurisdiction

5           This consolidated fire district shall be known as the Cumberland Fire District and shall  
6 have jurisdiction over the entire town of Cumberland. The Cumberland Fire District shall acquire  
7 the property, assets and personnel of the Cumberland, North Cumberland, Cumberland Hill, and  
8 Valley Falls Fire Districts. The action of consolidating the existing districts into one independent  
9 district is done so in accordance with a referendum approved by the qualified voters of the Town  
10 of Cumberland by a vote of 10,033 in favor and 2,544 opposed which took place on November 2,  
11 2010 and by a resolution adopted by the Cumberland Town Council on May 1, 2013.

12          Section 2. Electors

13          All of the taxable inhabitants or qualified electors of the town of Cumberland, eighteen  
14 (18) years of age or older, shall be members of the distinct and independent entity known as the  
15 "Cumberland Fire District."

16          Section 3. Governing Body

17          The initial governing body of the consolidated Cumberland Fire District shall be a Fire  
18 Committee.

1           Beginning no later than November of 2014, with the regularly scheduled general election,  
2 seven (7) members of the Cumberland Fire Committee shall be elected. Each of the five (5)  
3 council districts shall elect one member, with two (2) members being elected from the town at  
4 large. It shall be a non-partisan election for a two (2) year term. The winning candidates shall be  
5 sworn in immediately after the election results are certified. Any vacancy in the membership of  
6 the Committee shall be filled by written ballot of a majority of all the members of the Town  
7 Council for the remainder of the term of office, provided that the person selected to fill said  
8 vacancy shall be a qualified elector from that district. A vacancy in said membership of the  
9 Committee shall occur if a member dies, resigns from office, ceases to be a resident and/or elector  
10 of the district in which elected, or shall be absent for four (4) consecutive regular meetings or six  
11 (6) regular meetings within a twelve (12) month period unless said absence(s) are excused by a  
12 majority vote of the whole Committee. Any and all elections, provided for under this act, shall be  
13 administered by the state board of elections and the town of Cumberland board of canvassers.

14           Section 4. Bylaws

15           The Committee may adopt bylaws they deem necessary and expedient for carrying out  
16 the provisions of this act, provided that they are not in violation of or repugnant to the laws of this  
17 state. The Committee may change any provision of the bylaws at any regular or special meeting,  
18 provided the proposed change has been noticed on the agenda of the meeting.

19           Section 5. Authorization To Borrow Funds

20           The Cumberland Fire District is hereby authorized and empowered to borrow from time  
21 to time such sums of money as may be necessary, provided, however, that no bonded  
22 indebtedness may be incurred pledging the credit of the District in excess of one hundred  
23 thousand dollars (\$100,000) total in any one fiscal year unless approved by a majority of the  
24 electors voting thereon at a general or special election; provided however, that this limit shall not  
25 apply to borrowing in anticipation of tax receipts, or receipts of federal or state grant monies, up  
26 to the limits set therefor and under the conditions specified in state law, for the purpose of  
27 procuring real and personal estate, the construction and maintenance of buildings, the procuring  
28 of fire and water apparatus, for the payment of any legal indebtedness of said district, or for the  
29 purpose of purchasing or procuring any other property, real or personal, that may be legally  
30 acquired and held by said district and for the purpose of carrying into effect the objects for which  
31 said district is incorporated. At no time shall the accumulated debt of the district exceed one half  
32 of its' annual operating budget.

33           Section 6. Preservation Of Rights Under Existing Labor Contracts

34           In accordance with the provisions of Section 19.1 of Chapter 7, Title 28 of the Rhode

1 Island General Laws, this act of consolidation shall not impair the provisions of any existing labor  
2 contracts for persons employed by any of the individual fire districts. Notwithstanding this  
3 consolidation, the labor contracts shall continue in full force and effect until their termination  
4 dates or until otherwise agreed by the parties or their legal successors.

5 All employees of the Cumberland, Cumberland Hill, North Cumberland and Valley Falls  
6 Fire Districts who are so employed by said districts as of the date of the enactment of this Act,  
7 shall become employees of the Cumberland Fire District, and shall retain all accumulated rank,  
8 benefits and other rights of employment as existed with the several districts without any action by  
9 the Committee of the Cumberland Fire District. Nothing contained herein shall prevent the  
10 Committee from reducing or eliminating non-contractual positions.

11 The Collective Bargaining Agreements and all other binding commitments and  
12 agreements entered into between the Cumberland, Cumberland Hill, North Cumberland and  
13 Valley Falls Fire Districts and the Cumberland (IAFF Local 4114), Cumberland Hill (IAFF Local  
14 2762), North Cumberland (IAFF Local 2722) and Valley Falls (IAFF Local 2729) Fire Fighters  
15 Associations, and any retired members, in effect on the date of enactment of this Act, shall  
16 remain in full force and effect and shall be treated from that point forward as entered into  
17 between the Cumberland Fire District and the Cumberland (IAFF Local 4114), Cumberland Hill  
18 (IAFF Local 2762), North Cumberland (IAFF Local 2722) and Valley Falls (IAFF Local 2729)  
19 Fire Fighters Associations.

20 Section 7. Taxes And Tax Collector

21 The Committee shall have power to impose taxes, and provide for assessing and  
22 collecting the same, on the taxable inhabitants or property in said district, as they shall deem  
23 necessary for purchasing and procuring real estate, and buildings, implements, apparatus and  
24 other equipment, and for the payment of the current expenses of said district, the payment of such  
25 fire force as they may deem necessary for the protection of the inhabitants of said district from  
26 fires and for the preservation of the public peace therein and also for the payment of any  
27 indebtedness that has been or may be incurred by said district. The Committee and the District  
28 shall be subject to, and bound by, Section 44-5-2 ("maximum levy") of the general laws as if they  
29 were a city or town. Such taxes so ordered shall be assessed by the assessors of said district on the  
30 taxable inhabitants or property therein according to the last valuation made by the assessor of the  
31 town next previous to said assessment, adding, however, any taxable property which may have  
32 been omitted by said town assessors or which may have been since acquired. In the assessing and  
33 collecting of said taxes such proceedings shall be had by the officers of said district as near as  
34 may be, as are required to be had by the corresponding officers of towns in this state in assessing

1 and collecting town taxes. The collector of taxes for the town, by a mutual agreement between the  
2 District and the Town Council of the Town of Cumberland, may provide assistance in the  
3 collection of the taxes for said district, including, but not limited to, arranging for the fire tax bill  
4 to appear on the same bill as the town tax bill. Any and all funds collected by the Town on behalf  
5 of the District shall be separately held and accounted for and be held for the exclusive use of the  
6 fire district. The collector of taxes for said district shall, for the purpose of collecting taxes  
7 assessed for said district, have the same powers and authorities as are now by law conferred upon  
8 collectors of taxes for the towns in this state. Said district may provide for such deduction from  
9 the tax assessed against any person if paid by an appointed time or for such penalty by way of  
10 percentage on the tax if not paid at an appointed time, as they shall deem necessary to insure  
11 punctual payments.

#### 12 Section 8. Corporate Status

13 This newly consolidated Cumberland Fire District shall have the right to enter into  
14 contracts, to sue and to be sued, and to perform all the functions of a corporation and shall have  
15 all general corporate powers permitted by law in accordance with section 7-1.1-4, as amended.  
16 The Cumberland Fire District shall possess all the rights, privileges, immunities, and franchises,  
17 as well of a public or of a private nature, of the Cumberland, North Cumberland, Cumberland  
18 Hill, and Valley Falls Fire Districts; and all property, real, personal and mixed, and all debts due  
19 on whatever account, including outstanding taxes, and all other causes in action, and all and every  
20 other interest of or belonging to or due to the Cumberland, North Cumberland, Cumberland Hill,  
21 and Valley Falls Fire Districts (herein consolidated), shall be taken and deemed to be transferred  
22 to and vested in the Cumberland Fire Districts without further act or deed; and the title to any real  
23 estate, or any interest therein, vested in the Cumberland, North Cumberland, Cumberland Hill,  
24 and Valley Falls Fire Districts shall not revert or be in any way impaired by reason of this  
25 consolidation.

#### 26 Section 9. Management

27 The management of the Cumberland, North Cumberland, Cumberland Hill, and Valley  
28 Falls Fire Districts shall be assumed by the Cumberland Fire Committee. The Committee shall  
29 assume and have all the powers and duties of the Board of Fire Commissioners for each of the  
30 four (4) existing fire districts and to the extent that this contravenes the existing public laws  
31 relating to each of the four (4) existing fire districts, this act shall control and supersede said prior  
32 acts.

33 During the first year, following the election of the Committee, in November, 2014, the  
34 Committee shall manage and oversee the four (4) existing budgets of each of the consolidated fire

1 districts, provided, however, that during the budget cycle for the fiscal year beginning on July 1,  
2 2015, the Committee shall adopt one budget and one tax rate for the unified district. In all  
3 subsequent fiscal years the Committee shall have the power to adopt an annual operating budget.  
4 The Committee shall make provision for no less than two (2) public hearings thereon, to be held  
5 on separate days, and to be concluded no later than the first Monday in June. Notice of said  
6 hearings shall be advertised on at least three (3) separate days in a newspaper or newspapers of  
7 general circulation in the Town, the final such advertisement to appear no less than five (5) days  
8 prior to the first hearing date. In adopting the final budget, the Committee shall take two (2)  
9 separate votes thereon, the second of which shall be taken no less than forty-eight (48) hours  
10 following the first. The Committee shall have completed action on the final budget no later than  
11 the second Monday in June. Any amendment proposed to the annual budget following its  
12 adoption shall specify the source of any funds sought to be appropriated over and above the total  
13 in the budget as originally adopted, and shall be considered by the Committee under the following  
14 procedure: A budget amendment showing the proposed changes in the affected line items shall be  
15 presented to the Committee and shall be referred to a subsequent regular or special meeting for  
16 action on its adoption. The Committee shall make provision for two (2) public hearings thereon,  
17 to be held on separate days. The second such hearing may be on the date the Committee shall  
18 consider adoption of the budget amendment. Notice of the said hearings shall be advertised on at  
19 least three (3) separate days in a newspaper or newspapers of general circulation in the Town, the  
20 final such advertisement to appear no less than ten (10) days prior to the first hearing date. The  
21 Committee shall also cause to be published in a newspaper or newspapers of general circulation  
22 in the Town a summary of major expenditure and revenue categories appearing in the budget  
23 amendment, compared to current authorized expenditures and revenues, said publication is to  
24 appear no less than ten (10) days prior to the first public hearing.

25 Any item or items in the District budget as finally adopted are subject to referendum of  
26 the electors of the District in the following manner:

27 (a) Any elector of the District may circulate a petition for the holding of a referendum on  
28 such item or items of authorized expenditure provided for in the budget as shall be specifically  
29 identified in said petition together with the proposed amount of increase or decrease thereof. Such  
30 petition may call for the elimination of an item of expenditure in its entirety, or the insertion of a  
31 new item. Any such petition must be filed with the Town Clerk no later than fourteen (14)  
32 calendar days following the final adoption of the budget.

33 (b) The Town Clerk shall transmit any such petition received by him or her to the  
34 Canvassing Authority which shall verify the signatures thereon forthwith. If the petition shall be

1 certified by the Canvassers to contain the valid signatures of at least four percent (4%) of the  
2 electors then registered in the Town, it shall be returned to the Town Clerk.

3 (c) Upon receipt of such certification from the Canvassing Authority, the Town Clerk  
4 shall set a date for the holding of a referendum by the electors of the Town on the items specified  
5 in the petition, such referendum to take place no later than the third Tuesday following receipt of  
6 such certification.

7 (d) Upon the certification of any such petition for a referendum by the Canvassing  
8 Authority pursuant to subparagraph (b) of this Section, if such petition calls for the reduction or  
9 elimination of an item or items in the budget as approved, no expenditures shall be made from  
10 said item or items, nor shall any of the funds therefrom be obligated, until the referendum thereon  
11 has been held and the issue resolved; provided, however, that the Committee may continue to  
12 spend and/or obligate funds until the referendum is held and the issue resolved, so long as the rate  
13 of expenditure and/or obligation does not exceed that of the previous year during the same period  
14 of time.

15 Any and all funds acquired by the Cumberland Fire District hereunder which at the time  
16 of the passage of this Act are held by the Cumberland, North Cumberland, Cumberland Hill, and  
17 Valley Falls Fire Districts in accounts restricted by prior voter approval, testamentary bequest or  
18 state law (including, but not limited to, the Rhode Island Development Impact Fee Act, R.I.G.L.  
19 §45-22.4-1 et seq.) shall be held, used or applied, spent, expended and administered by the  
20 Cumberland Fire District in accordance with the restrictions imposed thereon until the funds have  
21 been exhausted.

#### 22 Section 10. Existing Boards Of Commissioners

23 The existing boards of commissioners for the Cumberland, North Cumberland,  
24 Cumberland Hill, and Valley Falls Fire Districts as created by the General Assembly shall be  
25 dissolved, upon the swearing in of the Cumberland Fire Committee, and all of their powers and  
26 duties shall pass to the Cumberland Fire Committee not inconsistent with this act. No labor  
27 contracts shall be entered into or extended beyond June 30, 2015, until the swearing in of the  
28 newly elected Fire Committee. The existing boards of commissioners for the Cumberland, North  
29 Cumberland, Cumberland Hill, and Valley Falls Fire Districts shall not approve or adopt a budget  
30 that extends beyond June 30, 2015.

31 The existing boards of commissioners for the Cumberland, North Cumberland,  
32 Cumberland Hill, and Valley Falls Fire Districts are hereby empowered and authorized to appoint  
33 a transitional committee to assist in the transition to a consolidated fire district. Said transitional  
34 committee may make recommendations to the four (4) existing boards of fire commissioners and

1 may be empowered by resolution of the existing boards of commissioners to act on their behalf  
2 on matters relating to this consolidation.

3 SECTION 2. The Cumberland Town Council shall have the authority, in accordance with  
4 the vote of the electors at the general election of November 2, 2010, to implement this  
5 consolidation plan through arranging for the election and appropriating such municipal funds and  
6 resources necessary to carry out the implementation of this act.

7 SECTION 3. Sections 2, 3 and 10 of Section 1 and Sections 2 and 3 of this act shall take  
8 effect upon passage. The remaining sections of this act shall take effect upon the election of the  
9 Cumberland Fire Committee. Should any part of this act contravene or be inconsistent with any  
10 terms or provisions of the Public Laws which created and/or amended the charters of the  
11 Cumberland, North Cumberland, Cumberland Hill, and Valley Falls Fire Districts, the provisions  
12 of this act shall control.

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