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LC02310/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: Senators Pearson, and Picard

Date Introduced: May 22, 2013

Referred To: Senate Finance

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. At no time shall the
27 accumulated debt of the district exceed one half of its' annual operating budget.

28 Section 6. Preservation Of Rights Under Existing Labor Contracts

29 In accordance with the provisions of Section 19.1 of Chapter 7, Title 28 of the Rhode
30 Island General Laws, this act of consolidation shall not impair the provisions of any existing labor
31 contracts for persons employed by any of the individual fire districts. Notwithstanding this
32 consolidation, the labor contracts shall continue in full force and effect until their termination
33 dates or until otherwise agreed by the parties or their legal successors.

34 All employees of the Cumberland, Cumberland Hill, North Cumberland and Valley Falls

1 Fire Districts who are so employed by said districts as of the date of the enactment of this Act,
2 shall become employees of the Cumberland Fire District, and shall retain all accumulated rank,
3 benefits and other rights of employment as existed with the several districts without any action by
4 the Committee of the Cumberland Fire District. Nothing contained herein shall prevent the
5 Committee from reducing or eliminating non-contractual positions.

6 The Collective Bargaining Agreements and all other binding commitments and
7 agreements entered into between the Cumberland, Cumberland Hill, North Cumberland and
8 Valley Falls Fire Districts and the Cumberland (IAFF Local 4114), Cumberland Hill (IAFF Local
9 2762), North Cumberland (IAFF Local 2722) and Valley Falls (IAFF Local 2729) Fire Fighters
10 Associations, and any retired members, in effect on the date of enactment of this Act, shall
11 remain in full force and effect and shall be treated from that point forward as entered into
12 between the Cumberland Fire District and the Cumberland (IAFF Local 4114), Cumberland Hill
13 (IAFF Local 2762), North Cumberland (IAFF Local 2722) and Valley Falls (IAFF Local 2729)
14 Fire Fighters Associations.

15 Section 7. Taxes And Tax Collector

16 The Committee shall have power to impose taxes, and provide for assessing and
17 collecting the same, on the taxable inhabitants or property in said district, as they shall deem
18 necessary for purchasing and procuring real estate, and buildings, implements, apparatus and
19 other equipment, and for the payment of the current expenses of said district, the payment of such
20 fire force as they may deem necessary for the protection of the inhabitants of said district from
21 fires and for the preservation of the public peace therein and also for the payment of any
22 indebtedness that has been or may be incurred by said district. The Committee and the District
23 shall be subject to, and bound by, Section 44-5-2 ("maximum levy") of the general laws as if they
24 were a city or town. Such taxes so ordered shall be assessed by the assessors of said district on the
25 taxable inhabitants or property therein according to the last valuation made by the assessor of the
26 town next previous to said assessment, adding, however, any taxable property which may have
27 been omitted by said town assessors or which may have been since acquired. In the assessing and
28 collecting of said taxes such proceedings shall be had by the officers of said district as near as
29 may be, as are required to be had by the corresponding officers of towns in this state in assessing
30 and collecting town taxes. The collector of taxes for the town, by a mutual agreement between the
31 District and the Town Council of the Town of Cumberland, may provide assistance in the
32 collection of the taxes for said district, including, but not limited to, arranging for the fire tax bill
33 to appear on the same bill as the town tax bill. Any and all funds collected by the Town on behalf
34 of the District shall be separately held and accounted for and be held for the exclusive use of the

1 fire district. The collector of taxes for said district shall, for the purpose of collecting taxes
2 assessed for said district, have the same powers and authorities as are now by law conferred upon
3 collectors of taxes for the towns in this state. Said district may provide for such deduction from
4 the tax assessed against any person if paid by an appointed time or for such penalty by way of
5 percentage on the tax if not paid at an appointed time, as they shall deem necessary to insure
6 punctual payments.

7 Section 8. Corporate Status

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

21 Section 9. Management

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

28 During the first year, following the election of the Committee, in November, 2014, the
29 Committee shall manage and oversee the four (4) existing budgets of each of the consolidated fire
30 districts, provided, however, that during the budget cycle for the fiscal year beginning on July 1,
31 2015, the Committee shall adopt one budget and one tax rate for the unified district. In all
32 subsequent fiscal years the Committee shall have the power to adopt an annual operating budget.
33 The Committee shall make provision for no less than two (2) public hearings thereon, to be held
34 on separate days, and to be concluded no later than the first Monday in June. Notice of said

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

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

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

28 (b) The Town Clerk shall transmit any such petition received by him or her to the
29 Canvassing Authority which shall verify the signatures thereon forthwith. If the petition shall be
30 certified by the Canvassers to contain the valid signatures of at least four percent (4%) of the
31 electors then registered in the Town, it shall be returned to the Town Clerk.

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

1 such certification.

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

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

16 Section 10. Existing Boards Of Commissioners

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

25 The existing boards of commissioners for the Cumberland, North Cumberland,
26 Cumberland Hill, and Valley Falls Fire Districts are hereby empowered and authorized to appoint
27 a transitional committee to assist in the transition to a consolidated fire district. Said transitional
28 committee may make recommendations to the four (4) existing boards of fire commissioners and
29 may be empowered by resolution of the existing boards of commissioners to act on their behalf
30 on matters relating to this consolidation.

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

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

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