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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

(by request)

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 newly consolidated fire district shall be known as the Cumberland Fire District and
6 shall have jurisdiction over the entire town of Cumberland. The Cumberland Fire District shall
7 acquire the property, assets and personnel of the Cumberland, North Cumberland, Cumberland
8 Hill, and Valley Falls Fire Districts. The action of consolidating the existing districts in to one
9 independent district is done so in accordance with a referendum approved by the qualified voters
10 of the Town of Cumberland by a vote of 10,033 in favor and 2,544 opposed which took place on
11 November 2, 2010 and by a resolution adopted by the Cumberland Town Council on May 1,
12 2013.

13 Section 2. Electors

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

17 Section 3. Governing Body

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

1 Committee. Beginning no later than September of 2013, with a special election, seven (7)
2 members of the Cumberland Fire Committee (hereinafter the "Committee") shall be elected. Each
3 of the five (5) council districts shall elect one member, with two (2) members being elected from
4 the town at large. It shall be a non-partisan election for a fourteen (14) month term, or until such
5 time as their successors are sworn in. The winning candidates shall be sworn in immediately after
6 the election results are certified.

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

20 Section 4. Bylaws

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

25 Section 5. Authorization To Borrow Funds

26 The Cumberland Fire District is hereby authorized and empowered to borrow from time
27 to time such sums of money as may be necessary, not however, to exceed the sum of one-half
28 (1/2) of the annual operating budget for the purpose of procuring real and personal estate, the
29 construction and maintenance of buildings, the procuring of fire and water apparatus, for the
30 payment of any legal indebtedness of said district, or for the purpose of purchasing or procuring
31 any other property, real or personal, that may be legally acquired and held by said district and for
32 the purpose of carrying into effect the objects for which said district is incorporated.

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

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

11 Section 8. Corporate Status

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

25 Section 9. Management

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

32 During the first year, following the election of the Committee, in September, 2013, the
33 Committee shall manage and oversee the four (4) existing budgets of each of the consolidated fire
34 districts, provided, however, that during the budget cycle for the fiscal year beginning on July 1,

1 2014, the Committee shall adopt one budget and tax rate for the unified district.

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

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

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

32 (b) The Town Clerk shall transmit any such petition received by him or her to the
33 Canvassing Authority which shall verify the signatures thereon forthwith. If the petition shall be
34 certified by the Canvassers to contain the valid signatures of at least four percent (4%) of the

1 electors than registered in the Town, it shall be returned to the Town Clerk.

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

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

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

21 Section 10. Existing Boards Of Commissioners

22 The existing boards of commissioners for the Cumberland, North Cumberland,
23 Cumberland Hill, and Valley Falls Fire Districts as created by the General Assembly shall be
24 dissolved, upon the swearing in of the Cumberland Fire Committee, and all of their powers and
25 duties shall pass to the Cumberland Fire Committee not inconsistent with this act.

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

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

1 of this act shall control.

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