

2010 -- S 2676

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2010

A N A C T

RELATING TO THE EAST GREENWICH FIRE DISTRICT

Introduced By: Senator J. Michael Lenihan

Date Introduced: March 10, 2010

Referred To: Senate Housing & Municipal Government

It is enacted by the General Assembly as follows:

1 SECTION 1. Sections 4, 8 and 11 of Chapter 26 of the Public Laws of 1998 entitled "An
2 Act in Amendment of Chapter 1039 of the Public Laws of 1902, entitled "An Act in Amendment
3 of and in Addition to an Act Entitled An act in Amendment of the Charter of the Fire Engine
4 Company in East Greenwich, passed at the January session 1882" passed at the January 1902
5 session" as amended, are hereby further amended to read as follows:

6 SECTION 4. Said residents, at each annual meeting and ~~other~~ special meetings when
7 vacancies occur, may elect the following officers:

8 (a) for a one (1) year term, or until the next annual meeting, and until others be chosen in
9 their stead, a Moderator and such other officers and committees at such times and with such
10 duties and powers as the by-laws of the corporation may prescribe; and

11 (b) five (5) fire commissioners who shall also serve as tax assessors, each of whom shall
12 serve three (3) year terms. If any such official shall be unable to serve or shall die while in office,
13 the board of fire commissioners shall appoint a successor to serve until the next annual meeting at
14 which time a special election to fill the unexpired term will be in order. ~~At the next annual~~
15 ~~meeting following passage of this act, three (3) fire commissioners shall be elected, two (2) of~~
16 ~~whom shall have a three (3) year term and one (1) of whom shall have a two (2) year term. A~~
17 member of the Board of Fire Commissioners may be recalled and removed from office by the
18 eligible voters at an annual or special meeting. A recall requires a three quarters (3/4) majority of
19 those present to pass. A quorum for a recall vote shall be one hundred (100) eligible voters.

1 SECTION 8. Said residents, at any ~~of their legal~~ annual or special meetings, shall the
2 power to order such taxes, and provide for the assessing and collecting the same, on the taxable
3 property in said district, as they shall deem necessary for the operation of the fire district. And
4 such taxes so ordered shall be assessed by the assessors of said district on the taxable property
5 therein, according to the last valuation made by the assessor of the town of East Greenwich next
6 previous to said assessment, excluding and disregarding therefrom, however, at the district's
7 option, any reductions in valuation resulting from special ordinance or valuations, PILOT
8 agreements, stabilization agreements and the like, adding, however, any taxable property which
9 may have been omitted by said town assessor or afterwards acquired; and in assessing and
10 collecting said taxes, such proceedings shall be had by the officers of said district, as near as may
11 be, as are required to be had by the corresponding officers of towns in assessing and collecting
12 town taxes; and said residents may provide for such deductions from the tax assessed against any
13 person, if paid by an appointed time, or for such penalties by way of percentage on a tax, if not
14 paid at a time appointed, not exceeding twelve per centum per annum, as they shall deem
15 necessary to insure punctual payment.

16 SECTION 11. (a) The East Greenwich Fire District is hereby empowered, in addition to
17 authority previously granted, to borrow money and issue from time to time under its corporate
18 name and seal, or a facsimile of such seal, bonds, notes or other evidences of indebtedness
19 (hereinafter called "bonds") for the purpose of (i) purchasing land and erecting a building or
20 buildings thereon for fire purposes, (ii) purchasing fire apparatus, (iii) operating purposes or (iv)
21 payment of the principal of or interest on temporary notes issued under paragraph (c) of this
22 section, and to authorize its treasurer to issue, with the approval of its board of fire
23 commissioners, such bonds in such amounts, for such time and on such terms as shall be
24 determined by vote at any regular or special meeting of said district; provided, however, that the
25 principal amount of such bonds, including renewals thereof, outstanding at any time shall in no
26 case exceed the sum of ~~two million dollars (\$2,000,000)~~ five million dollars (\$5,000,000). The
27 bonds of each issue may be issued in the form of serial bonds or term bonds or a combination
28 thereof and shall be payable, either by the maturity of principal in the case of serial bonds or by
29 mandatory serial redemption in the case of term bonds, in annual installments of principal, the
30 first installment to be not later than three (3) years after the date of the bonds. Sections 5.1 and
31 5.2 of chapter 12 of title 45 of the general laws shall apply to any such bonds.

32 (b) The bonds shall be signed by the ~~district treasurer~~ Chairperson of the Board of Fire
33 Commissioners and by the manual or facsimile signature of the ~~chairman~~ District Treasurer or
34 another member of the board of fire commissioners and shall be sold at not less than par and

1 accrued interest. Unless otherwise determined in the vote of the district authorizing the same, the
2 manner of sale, denominations, maturities, interest rates and other terms, conditions and details of
3 such bonds may be fixed by the proceedings by the proceedings of the board of fire
4 commissioners authorizing the issue or by separate vote of the board of fire commissioners or, to
5 the extent provisions for these matters are not so made, they may be fixed by the officers
6 authorized to sign the bonds. Interest coupons, if any, shall bear the facsimile signature of the
7 district treasurer. The proceeds derived from the sale of the bonds shall be delivered to the district
8 treasurer and such proceeds exclusive of premiums and accrued interest shall be expended for the
9 purposes provided in paragraph (a) of this section. No purchaser of any bonds or notes under this
10 section shall be in any way responsible for the proper application of the proceeds derived from
11 the sale thereof.

12 (c) If said fire district shall authorize the issuance of bonds under paragraph (a) of this
13 section, the board of fire commissioners of said district may by resolution authorize the issuance
14 from time to time of interest bearing or discounted notes in anticipation of the issue of such bonds
15 or in anticipation of the receipt of federal or state aid for the purpose for which such bonds are to
16 be issued. The amount of original notes issued in anticipation of bonds may not exceed the
17 amount of bonds which may be issued under paragraph (a) of this section and the amount of
18 original notes issued in anticipation of federal or state aid may not exceed the amount of available
19 federal or state aid as estimated by the district treasurer. Temporary notes issued under this
20 paragraph shall be signed by the ~~district treasurer~~ Chairman of the Board of Fire Commissioner
21 and by the manual or facsimile signature of the District Treasurer ~~and by the Chairman~~ or another
22 member of the board of fire commissioners and shall be payable within three (3) years from their
23 respective dates, but the principal of and interest on notes issued for a shorter period may be
24 renewed or paid from time to time by the issue of other notes hereunder, provided the period from
25 the date of an original note to the maturity of any note issued to renew or pay the same or the
26 interest thereon shall not exceed three (3) years.

27 (d) In addition to the bonds and notes authorized in paragraphs (a) and (c) of this section,
28 said fire district is hereby empowered to borrow from time to time in each financial year in
29 anticipation of the receipt of the proceeds of the annual tax due or to become due in said financial
30 year upon the ratable property within said fire district, and in anticipation of the receipt of the
31 then uncollected proceeds of the annual tax for the next preceding financial year, an amount
32 which, together with any money borrow in anticipation of taxes in any prior year which remain
33 unpaid, shall not exceed eighty percent (80%) of the tax levy of the next preceding financial year,
34 the money to be borrowed to be used and expended for the payment of the current liabilities and

1 expenses of the fire district, and to authorize its treasurer to issue, with the approval of the board
2 of fire commissioners, its interest bearing or discounted notes therefor. Notes issued pursuant to
3 this paragraph shall be signed by the ~~district treasurer~~ Chairperson of the Board of Fire
4 Commissioner and by the manual or facsimile signature of the District Treasurer ~~and by the~~
5 ~~Chairman~~ or another member of the board of fire commissioners and shall be made payable not
6 later than one (1) year from their dates, but may be renewed or paid by the issue of new notes
7 payable not later than one (1) year from the date of the original notes so renewed or paid. Said
8 fire district shall assess and levy a tax in each financial year.

9 (e) Any proceeds of bonds or notes issued hereunder or of any applicable federal or state
10 assistance, pending their expenditure, may be deposited or invested by the district treasurer in
11 demand deposits, time deposits or savings deposits in banks which are members of the Federal
12 Deposit Insurance Corporation or in obligations issued or guaranteed by the United States of
13 America or by any agency or instrumentality thereof as may be provided in any other applicable
14 law of the state of Rhode Island.

15 (f) All bonds and notes issued under this act and the debts evidenced thereby shall be
16 obligatory on the district in the same manner and to the same extent as other debts lawfully
17 contracted by it. The district shall annually appropriate a sum sufficient to pay the principal and
18 interest coming due within the year on bonds and notes issued hereunder to the extent that
19 moneys therefore are not otherwise provided. If such sum is not appropriated, it shall
20 nevertheless be added to the annual tax levy. In order to provide such sum in each year and
21 notwithstanding any provision of law to the contrary, all taxable property in the district shall be
22 subject to ad valorem taxation by the district without limitation as to rate or amount.

23 (g) Any bonds or notes issued under the provisions of this act and coupons on any bonds,
24 if properly executed by officers of the district in the office on the date of execution, shall be valid
25 and binding according to their terms notwithstanding that before the delivery thereof and payment
26 therefore any and all of such officers shall for any reason have ceased to hold office.

27 (h) Notwithstanding any provision of law to the contrary, any bonds or notes issued by
28 the district hereunder, their transfer, and the income thereon (including any profits made on the
29 sale thereof) shall at all times be exempt from taxation by the state of Rhode Island or any
30 subdivision thereof other than estate and succession taxes.

31 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO THE EAST GREENWICH FIRE DISTRICT

- 1 This act would make several technical changes to the act of incorporation of the East
- 2 Greenwich fire district.
- 3 This act would take effect upon passage.

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