

2013 -- H 6194

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2013

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 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 into 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.

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

15 Section 4. Bylaws

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

20 Section 5. Authorization To Borrow Funds

21 The Cumberland Fire District is hereby authorized and empowered to borrow from time
22 to time such sums of money as may be necessary, provided, however, that no bonded
23 indebtedness may be incurred pledging the credit of the District in excess of one hundred
24 thousand dollars (\$100,000) total in any one fiscal year unless approved by a majority of the
25 electors voting thereon at a general or special election; provided however, that this limit shall not
26 apply to borrowing in anticipation of tax receipts, or receipts of federal or state grant monies, up
27 to the limits set therefor and under the conditions specified in state law, for the purpose of
28 procuring real and personal estate, the construction and maintenance of buildings, the procuring
29 of fire and water apparatus, for the payment of any legal indebtedness of said district, or for the
30 purpose of purchasing or procuring any other property, real or personal, that may be legally
31 acquired and held by said district and for the purpose of carrying into effect the objects for which
32 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. No labor contracts
5 currently in effect the date of the passage of Section 3 of this act shall not be extended beyond
6 June 30, 2015, until the swearing in of the newly elected Fire Committee.

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

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

22 Section 7. Taxes And Tax Collector

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

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

14 Section 8. Corporate Status

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

28 Section 9. Management

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

1 During the first year, following the election of the Committee, in November, 2014, the
2 Committee shall manage and oversee the four (4) existing budgets of each of the consolidated fire
3 districts, provided, however, that during the budget cycle for the fiscal year beginning on July 1,
4 2015, the Committee shall adopt one budget and tax rate for the unified district. No existing
5 budget of each of the four (4) consolidated fire districts shall go beyond June 30, 2015.

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

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

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

1 calendar days following the final adoption of the budget.

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

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

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

18 Any and all funds acquired by the Cumberland Fire District hereunder which at the time
19 of the passage of this Act are held by the Cumberland, North Cumberland, Cumberland Hill, and
20 Valley Falls Fire Districts in accounts restricted by prior voter approval, testamentary bequest or
21 state law (including, but not limited to, the Rhode Island Development Impact Fee Act, R.I.G.L.
22 §45-22.4-1 et seq.) shall be held, used or applied, spent, expended and administered by the
23 Cumberland Fire District in accordance with the restrictions imposed thereon until the funds have
24 been exhausted.

25 Section 10. Existing Boards Of Commissioners

26 The existing boards of commissioners for the Cumberland, North Cumberland,
27 Cumberland Hill, and Valley Falls Fire Districts as created by the General Assembly shall be
28 dissolved, upon the swearing in of the Cumberland Fire Committee, and all of their powers and
29 duties shall pass to the Cumberland Fire Committee not inconsistent with this act. Upon the
30 passage of Section 3 of this act, the existing boards of commissioners for the Cumberland, North
31 Cumberland, Cumberland Hill, and Valley Falls Fire Districts are hereby empowered and
32 authorized to appoint a transitional committee to assist in the transition to a consolidated fire
33 district. Said transitional committee may assist in the establishment of a unified tax rate,
34 collective bargaining agreements and any other business deemed necessary to effectuate the

1 provisions of this act.

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

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

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