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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2022

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A N A C T

RELATING TO INCORPORATE THE FOSTER FIRE DISTRICT

Introduced By: Representative Michael W. Chippendale

Date Introduced: May 11, 2022

Referred To: House Municipal Government & Housing

It is enacted by the General Assembly as follows:

1 SECTION 1. The Foster Fire District is hereby incorporated in the manner and form as
2 follows:

3 I. TITLE AND OBJECTIVE

4 A. Title and Boundaries. The name of the district incorporated hereby shall be the "Foster
5 Fire District." The boundaries of the district shall be coextensive with those of the Town of Foster,
6 Rhode Island. Said district may have a common seal, sue and be sued, impose taxes and fees,
7 purchase and own property of any description in furtherance of its objective and enjoy the powers
8 and immunities generally incident to a governmental corporation under the Rhode Island General
9 Laws.

10 B. Objective. The objective of the Foster Fire District shall be for the purpose of providing
11 fire and rescue services within the Fire District and/or to provide operational funding for nonprofit
12 fire and rescue in the district and thereby to provide for the protection and preservation of life and
13 property in the Town of Foster from damage and destruction by fire, accident, disaster, and other
14 casualty, including the provision of emergency medical services.

15 II. QUALIFIED ELECTORS

16 The electors of the district qualified to vote in the Town of Foster on propositions to impose
17 a tax, fees, or for the expenditure of money shall be eligible to vote and act in all meetings of the
18 district.

19 III. BOARD OF COMMISSIONERS

1 A. Membership. The Board of Commissioners shall consist of seven (7) qualified electors
2 in the Town of Foster selected as follows:

3 1. One person appointed by the respective boards of each of the four (4) active volunteer
4 fire and rescue companies in Foster; to wit, South Foster Volunteer Fire Company; Moosup Valley
5 Volunteer Fire Company; Foster Center Fire Company; and Foster Ambulance Corps (each,
6 hereinafter, a "public safety organization" as may be used throughout this Act).

7 2. Three (3) persons who are not active members of Foster public safety organizations
8 elected at the annual meeting of the district; provided; however, that the Town Council of the Town
9 of Foster shall initially fill these three (3) positions by appointment as follows: one for a term to
10 expire at the district annual meeting in 2023, one for a term to expire at the district annual meeting
11 in 2024 and one for a term to expire at the district annual meeting in 2025. At the district annual
12 meeting in 2023 and thereafter, the voters of the District shall elect one person to serve as
13 Commissioner for a term of three (3) years. Any qualified elector who wishes to run for
14 Commissioner shall present a petition in support of his or her candidacy containing the signatures
15 of twenty-five (25) qualified electors to the clerk of the District not less than thirty (30) days before
16 the annual meeting.

17 B. Term and Original Appointment.

18 1. The term of the elected members of the Board of Commissioners shall be three (3) years.

19 2. The term of the members of the Board of Commissioners appointed by the public service
20 corporations shall be two (2) years; provided however that the initial term of the commissioners
21 appointed by South Foster Volunteer Fire Company and the Moosup Valley Volunteer Fire
22 Company shall be one year. Each Commissioner shall serve until his or her replacement is elected
23 or appointed and qualified.

24 C. Officers of the Board. At the Board meeting following each annual meeting, the Board
25 shall elect a chair and vice-chair from among its membership for a term of one year. The chair and,
26 in his or her absence, the vice-chair, shall preside at all meetings of the Board and shall conduct all
27 meetings in accordance with Robert's Rules of Order (latest version). The Board of Commissioners
28 shall appoint all committees and members thereto.

29 D. Quorum. A quorum shall be a majority of the members of the Board of Commissioners;
30 provided, however, that in the absence of a quorum, the members present may vote to continue the
31 meeting to a specified date and time.

32 E. Duties of the Board of Commissioners. The Board of Commissioners shall generally
33 supervise the operations of the district to accomplish the objectives specified above. Without
34 limiting the generality of the foregoing:

1 1. The Board of Commissioners shall meet on a regular basis to consider all matters related
2 to the district.

3 2. The Board of Commissioners shall, thirty (30) days prior to the annual meeting, present
4 to the clerk of the District: (a) a written report on the state of affairs of the district; and (b) a
5 proposed budget for the coming fiscal year, both of which shall be presented to the voters at the
6 annual meeting.

7 3. Whenever a vacancy in the Board shall occur, the chair shall advise the entity that
8 appointed such Commissioner of the vacancy and the entity shall appoint a qualified voter of the
9 district to serve as Commissioner for the unexpired term. If an elected member of the Board shall
10 resign or be otherwise unable to serve, the Board may appoint a Commissioner to serve until the
11 next annual meeting at which time a Commissioner shall be elected to fill the unexpired term, if
12 any.

13 4. The Board of Commissioners shall have the authority to provide fire, rescue and dispatch
14 services directly in the district; to hire, manage and discipline employees; to enter into employment
15 contracts and/or collective bargaining agreements; purchase vehicles and equipment; take and do
16 all and such other ordinary and necessary activities and actions required for the Fire District to
17 directly provide fire and rescue services to the Fire District; enter into contracts and leases for the
18 purchase and sale of equipment and services necessary to provide proper operations of the district;
19 to sue and be sued in the courts of this state and to retain legal counsel, accountants, consultants,
20 or any other provider of professional services, deemed necessary to be in the best interest of the
21 district.

22 5. The district shall indemnify any Commissioner or officer for damages, judgments,
23 settlements, costs, and expenses incurred with any action, suit or appeal therefrom, arising out of
24 an alleged or actual breach of duty, neglect, error, misstatement or omission, or any other matter
25 claimed against said person solely by reason of their being a Commissioner or officer of the district.

26 6. In order to effectuate the purposes stated herein, the Board of Commissioners may hire
27 and appoint the tax collector and/or the tax board of review in place in the Town of Foster or, at its
28 discretion: (a) Hire a separate tax collector; and/or (b) Establish a separate tax board of review for
29 the district, which duties shall be outlined in the bylaws of said district.

30 7. The Board of Commissioners shall have the authority to provide fire protection and
31 emergency medical services for the District.

32 **IV. OFFICERS**

33 The following shall be the officers of the district and shall be appointed by the Board of
34 Commissioners annually at the first meeting following each annual meeting of the district: clerk,

1 treasurer, tax collector and moderator. The officers may but need not be members of the Board of
2 Commissioners. Officers who are not members of the board shall not be entitled to vote at board
3 meetings.

4 A. Clerk. The clerk shall take minutes of all meetings and shall be held responsible for the
5 maintenance of same. The clerk shall give notice of every annual meeting, special meeting or
6 adjourned meeting and shall advertise the call of such meetings as provided herein. The clerk shall
7 have such additional powers and exercise such additional duties as the bylaws or the Board shall
8 designate.

9 B. Treasurer. The treasurer, before discharging his or her duties, shall give bond to the
10 Foster Fire District, in such sum as the Board of Commissioners may determine, which will provide
11 for the faithful discharge of the duties of office. Said bond shall be deposited with the clerk. The
12 treasurer shall pay out and expend only those funds that are authorized to be expended by vote of
13 the qualified voters of the Foster Fire District, in any meeting. The treasurer shall make a statement
14 annually of all accounts in writing and show the sums received and paid during the previous fiscal
15 year. The treasurer shall have the authority to hire such persons, subject to the limitations as
16 hereinafter set forth, to carry on the affairs of the Foster Fire District and shall also have the
17 authority to invest any surplus funds in any interest bearing accounts as provided by law. The
18 treasurer shall have such additional powers and exercise such additional duties as the bylaws or the
19 board shall designate. The Board may appoint or designate a qualified elector as assistant treasurer,
20 said person not to be a member of the Board, who in the absence or disability of the treasurer shall
21 have the authority to sign checks and assume the other duties of the treasurer. Said person shall
22 provide bond in an amount to be determined by the board.

23 C. Tax Collector. The tax collector for the district shall, for the purposes of collecting taxes,
24 have the same powers, duties and authorities as are now by law conferred upon collectors of taxes
25 for municipalities of this state. The tax collector shall pay over to the treasurer on the first business
26 day of each month the total taxes collected during the previous month, or at more frequent intervals,
27 at the option of the tax collector or the Board. The tax collector shall determine and assess all real
28 and personal property, located within the boundaries of the Foster Fire District, on December 31 of
29 each year, in the same amount as assessed by the Town of Foster. The tax collector shall not assess
30 any property exempt in whole or in part or knowingly omitted from taxation by the Town of Foster.
31 The date of collection shall be August 15 following said assessment or such other date as shall be
32 determined at the annual meeting. Provided, however, in the event the tax roll of the Town of Foster
33 is not certified by June 15 of any year, the tax collector, on approval of the Board, shall have the
34 authority to change the date of collection to a date not more than sixty (60) days from the date of

1 said certificate of the tax roll by the Town of Foster. The tax collector shall, after receipt of the list
2 of assessments from the Town of Foster, produce a tax bill based on the tax rate approved by the
3 qualified voters of the Foster Fire District and further shall maintain records of all tax collections
4 and delinquent charges and provide annual written reports thereof.

5 D. Moderator. The moderator shall preside at all annual and special meetings of the district
6 in accordance with the authority granted to the town moderator by state law and the Charter of the
7 Town of Foster.

8 E. Removal. Officers shall serve at the pleasure of the Board and may be removed, with or
9 without cause, by majority vote of the full Board.

10 V. BYLAWS

11 The qualified electors of the district may, upon recommendation of the board, enact all
12 bylaws, by them adjudged necessary and expedient for carrying out the provisions of this act
13 (hereinafter "act" or "charter") into effect; provided that, the same be not in violation or repugnant
14 to this charter or the laws of this state.

15 VI. TAXABLE PROPERTY

16 The term "taxable property of the district" shall mean and intend to include all real, tangible
17 and personal property located within the boundaries of the district, excluding motor vehicles and
18 property exempt in whole or in part or knowingly omitted from taxation by the Town of Foster.

19 VII. ANNUAL AND SPECIAL MEETINGS

20 A. Annual Meetings. There shall be an annual meeting of the district every year for the
21 purpose of receiving the reports of the Board, approving the budget, ordering taxes and providing
22 for assessing, levying and collecting the same, enacting bylaws and transacting such other business
23 or adopting such measures, consistent with the provisions of this act, which the voters at said
24 meeting shall deem beneficial to the district. The annual meeting shall be held on the second
25 Wednesday of April in each year, at such time and location within or without the district, as the
26 Board of Commissioners shall determine. The date of the annual meeting and requirements of the
27 call of said meeting may be modified in the district bylaws.

28 B. Special Meetings. The district shall have a special meeting, upon written application
29 signed by twenty-five (25) or more qualified electors or at the direction of the board. Written
30 application for a special meeting and the notice thereof shall specify the business to be transacted
31 at such meeting. Special meetings shall be called within fourteen (14) days from the date of delivery
32 of said request to the clerk of the District, at such location and time as the Board of Commissioners
33 shall determine and the business to be addressed shall be limited to that provided in the notice of
34 meeting.

1 C. Quorum. A quorum at the annual or any special meeting of the district shall be twenty-
2 five (25) qualified electors. In the event that a quorum is not present at the time the meeting is
3 scheduled to open, the moderator is authorized to continue the meeting to such time and date, as in
4 the discretion of the Board, shall best serve the interests of the district.

5 D. Notice of Meetings. Unless otherwise specified in the district bylaws, notice of annual
6 and special meetings shall follow the requirements of state law for notice of financial town
7 meetings.

8 E. Powers of the District Voters. In addition to the general powers specified above, the
9 voters shall have the following powers, exercisable at annual and special meetings:

10 The power to order such taxes, fees, and provide for the assessing, levying and collecting
11 of same on the taxable inhabitants and property in said district as they shall deem necessary to
12 provide proper operating funding for the district and all fire, rescue and dispatch services in the
13 district and such taxes, so ordered, shall be assessed by the tax collector of said district on the
14 taxable inhabitants and property therein, according to the last valuation made by the assessor of the
15 Town of Foster as provided herein. The taxes assessed and payable in any one year under the
16 provisions of this section, shall not exceed five dollars (\$5.00) on each one thousand dollars
17 (\$1,000) of said valuation; provided further, however, the minimum charge for any district tax bill
18 rendered shall be not less than twenty dollars (\$20.00). The voters may provide such deduction
19 from the tax assessed against any person, if paid by an appointed time or for such penalty by way
20 of percentage on the tax if not paid at an appointed time, not exceeding the maximum rate allowed
21 by law upon said unpaid tax.

22 F. Budget Cap. (1) The district shall endeavor to limit its annual budget request to an
23 amount which exceeds its appropriation for the prior fiscal year by no more than the maximum
24 levy, in compliance with the provisions of Rhode Island general laws § 44-5-2.

25 (2) In the event that the district's budget request exceeds the respective prior year's
26 appropriation by more than the maximum levy allowed within the provisions of Rhode Island
27 general laws § 44-5-2, such request shall be voted on at the annual financial meeting and shall
28 require a two-thirds (2/3) vote of the electors present for approval. Prior to any such vote, the
29 moderator shall advise the electors, by how much in percent and in dollars the request exceeds the
30 maximum levy, within the provisions of Rhode Island general laws § 44-5-2.

31 (3) In the event that an appropriation resolution which exceeds the prior year's
32 appropriation by more than the maximum levy within the provisions of Rhode Island General Law
33 § 44-5-2 is not approved by a two-thirds (2/3) vote, the moderator shall entertain substitute
34 resolutions from the floor and, following discussion, shall put any such resolution to a vote, until a

1 substitute resolution, receives the votes necessary for adoption by majority or a two-thirds (2/3)
2 vote, as may be required.

3 (4) After all such resolutions which exceed the prior year's appropriation by more the
4 maximum levy within the provisions of Rhode Island general laws § 44-5-2 have been decided, the
5 moderator shall put the entire fire district budget to a vote of the electors present at the annual
6 meeting. The fire district budget shall require a majority vote for approval.

7 VIII. DEBTS, BONDS, DEBENTURES AND REPAYMENT

8 A. The Foster Fire District is hereby authorized to incur total debt not to exceed one percent
9 (1%) of the total assessed valuation of all taxable property within the boundaries of the Foster Fire
10 District as of the assessment last made.

11 B. The Foster Fire District is hereby authorized to issue serial bonds or debentures, under
12 its corporate seal and name. Said bonds or debentures shall be in denominations and shall bear
13 interest and be upon such terms and conditions and shall be issued and sold by the Foster Fire
14 District, in such manner and at such time as the qualified electors of the Foster Fire District, by
15 majority vote of those present and voting, may decide at any annual meeting, special meeting or
16 adjourned meeting, or in lieu thereof, the qualified electors, by majority vote of those present and
17 voting, may authorize the board and treasurer to supervise the issuance of said bonds and
18 debentures.

19 C. The chair or vice-chair of the Board and the treasurer shall sign all bonds or debentures
20 on behalf of the Foster Fire District.

21 D. The qualified voters at each annual meeting shall appropriate sufficient funds to meet
22 the obligations of principal and interest incurred by the issuance of any such bonds or debentures.

23 IX. FIRE DISTRICT ACT

24 In the event that the Board or twenty-five (25) qualified electors shall, by written petition
25 request that this Fire District act be revised or amended, then and in that event, the Board shall
26 appoint a committee to study such proposed amendments or revisions. Said committee shall report
27 its findings to the Board, which shall present any proposed amendments or revisions to the electors
28 at a general or town-wide special election. Any amendment or revision to this Fire District act shall
29 be contained in the warrant for the election, at which it is to be voted upon. Upon approval of any
30 amendment or revision by the qualified voters of the district, the same shall be referred to the Rhode
31 Island general assembly for enactment at its first available session.

32 X. FISCAL YEAR AND INTERIM FUNDING

33 The fiscal year of the district shall be from July 1 through June 30. The Town of Foster
34 shall provide interim funding to the fire and rescue companies, until the district taxes are assessed

1 and collected.

2 SECTION 2. Tax Assessment - The taxes assessed and payable for the Foster Fire District
3 in any one year, shall not exceed five dollars (\$5.00) per each one thousand dollars (\$1,000) of real
4 property valuation; provided further, however, that the minimum charge for any Foster Fire District
5 tax bill rendered shall not be less than twenty dollars (\$20.00).

6 SECTION 3. The question of approval of this act shall be submitted to the electors within
7 the Town of Foster at the Rhode Island statewide general election to be held on the eighth day of
8 November, 2022 and shall be presented in substantially the following manner; "Shall the act passed
9 during the 2022 legislative session which will create the Foster Fire District and grant separate
10 taxing authority to said District be approved?" The warning for the election shall contain the
11 question to be submitted. From until the time the election is warned and the time it is held, it shall
12 be the duty of the town clerk to keep a copy of the act available at his/her office for public
13 inspection, but the validity of the election shall not be affected by this requirement or by the
14 requirements of § 17-5-5 and § 17-5-6.

15 SECTION 4. Section 3 shall take effect upon passage of the act. The remainder of this act
16 shall take effect upon the approval of this act by a majority of the qualified electors within the Town
17 of Foster at the Rhode Island statewide general election to be held on the eighth day of November
18 2022.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO INCORPORATE THE FOSTER FIRE DISTRICT

1 This act would create the Foster Fire District with authority to levy taxes, for the purpose
2 of providing fire and rescue services to the town of Foster, subject to its approval by qualified
3 electors within the town of Foster, at the November 8, 2022, general election.

4 Section 3 would take effect upon passage of the act. The remainder of this act would take
5 effect upon the approval of this act by a majority of the qualified electors within the town of Foster
6 at the Rhode Island statewide general election to be held on the eighth day of November, 2022.

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