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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 UNIFIED CUMBERLAND FIRE DISTRICT

Introduced By: Representatives McLaughlin, Phillips, and MacBeth

Date Introduced: June 27, 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 Unified Cumberland Fire District in
3 the manner and form as follows:

4 Section 1. Name And Jurisdiction

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

13 Section 2. Electors

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

17 Section 3. Governing Body

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

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

15 Section 4. Bylaws

16 The Board shall adopt bylaws they deem necessary and expedient for carrying out the
17 provisions of this act, provided that they are not in violation of or repugnant to the laws of this
18 state. The Board 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 Unified Cumberland Fire District is hereby authorized and empowered to borrow
22 from time 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 therefore and under the conditions specified in state law. At no time shall the
28 accumulated debt of the district exceed one half of its' annual operating budget.

29 Section 6. Preservation of Rights under Existing Labor Contracts

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

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

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

17 Section 7. Taxes and Tax Collector

18 The Board shall have power to impose taxes, and provide for assessing and collecting the
19 same, on the taxable inhabitants or property in said district, as they shall deem necessary for
20 purchasing and procuring real estate, and buildings, implements, apparatus and other equipment,
21 and for the payment of the current expenses of said district, the payment of such fire force as they
22 may deem necessary for the protection of the inhabitants of said district from fires and for the
23 preservation of the public peace therein and also for the payment of any indebtedness that has
24 been or may be incurred by said district. The Board and the District shall be subject to, and bound
25 by, Section 44-5-2 ("maximum levy") of the general laws as if they were a city or town. For the
26 fiscal tax year immediately following the election of the Fire Board in November, 2014, none of
27 the former fire districts individually, specifically Cumberland, Cumberland Hill, Valley Falls and
28 North Cumberland shall have the fire tax levy exceed the maximum levy subject to Rhode Island
29 Generals Law section 44-5-2. Such taxes so ordered shall be assessed by the assessors of said
30 district on the taxable inhabitants or property therein according to the last valuation made by the
31 assessor of the town next previous to said assessment, adding, however, any taxable property
32 which may have been omitted by said town assessors or which may have been since acquired. In
33 the assessing and collecting of said taxes such proceedings shall be had by the officers of said
34 district as near as may be, as are required to be had by the corresponding officers of towns in this

1 state in assessing and collecting town taxes. The collector of taxes for the town, by a mutual
2 agreement between the District and the Town Council of the Town of Cumberland, may provide
3 assistance in the collection of the taxes for said district, including, but not limited to, arranging
4 for the fire tax bill to appear on the same bill as the town tax bill. Any and all funds collected by
5 the Town on behalf of the Unified Cumberland Fire District shall be immediately transferred to a
6 restricted account to be held under the exclusive use and control by the Unified Cumberland Fire
7 District. All funds and any interest thereon shall remain solely for the exclusive use and control
8 of the Unified Cumberland Fire District. The collector of taxes for said district shall, for the
9 purpose of collecting taxes assessed for said district, have the same powers and authorities as are
10 now by law conferred upon collectors of taxes for the towns in this state. Said district may
11 provide for such deduction from the tax assessed against any person if paid by an appointed time
12 or for such penalty by way of percentage on the tax if not paid at an appointed time, as they shall
13 deem necessary to insure punctual payments. Taxes assessed against any person by the Unified
14 Cumberland Fire District for either personal property or real estate shall constitute a lien on the
15 real estate. The lien shall arise and attach as of the date of assessment of the taxes, as defined in
16 section 44-5-1. The lien shall be superior to any other lien, encumbrance or interest in the real
17 estate, whether by way of mortgage, attachment, or otherwise, except easements and restrictions.
18 Every deed or mortgage presented for recording in connection with property located in the
19 Unified District shall be accompanied by a certificate issued by the Unified Cumberland Fire
20 District stating that all outstanding taxes assessed against the property by the Unified Cumberland
21 Fire District have been paid.

22 Section 8. Corporate Status

23 This newly consolidated Unified Cumberland Fire District shall have the right to enter
24 into contracts, to sue and to be sued, and to perform all the functions of a corporation and shall
25 have all general corporate powers permitted by law in accordance with Rhode Island General
26 Law section 7-1.1-4, as amended.

27 The Unified Cumberland Fire District shall possess all the rights, privileges, immunities,
28 and franchises, as well of a public or of a private nature, of the Cumberland, North Cumberland,
29 Cumberland Hill, and Valley Falls Fire Districts; and all property, real, personal and mixed, and
30 all debts due on whatever account, including outstanding taxes, and all other causes in action, and
31 all and every other interest of or belonging to or due to the Cumberland, North Cumberland,
32 Cumberland Hill, and Valley Falls Fire Districts (herein consolidated), shall be taken and deemed
33 to be transferred to and vested in the Unified Cumberland Fire Districts without further act or
34 deed; and the title to any real estate, or any interest therein, vested in the Cumberland, North

1 Cumberland, Cumberland Hill, and Valley Falls Fire Districts shall not revert or be in any way
2 impaired by reason of this consolidation.

3 Section 9. Management

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

9 During the first year, following the election of the Board, in November, 2014, the Board
10 shall manage and oversee the four (4) existing budgets of each of the consolidated fire districts,
11 provided, however, that during the budget cycle for the fiscal year beginning on July 1, 2015, the
12 Board shall adopt one budget and one tax rate for the unified district. In all subsequent fiscal
13 years the Board shall have the power to adopt an annual operating budget.

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

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

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

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

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

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

25 Immediately following the swearing in of the members of the Fire Board elected in the
26 November 2014 general election, any and all funds acquired by the Unified Cumberland Fire
27 District hereunder which at the time of the passage of this Act are held by the Cumberland, North
28 Cumberland, Cumberland Hill, and Valley Falls Fire Districts in accounts restricted by prior voter
29 approval, testamentary bequest or state law (including, but not limited to, the Rhode Island
30 Development Impact Fee Act, R.I.G.L. §45-22.4-1 et seq.) shall be held, used or applied, spent,
31 expended and administered by the Unified Cumberland Fire District in accordance with the
32 restrictions imposed thereon until the funds have been exhausted.

33 Section 10. Existing Boards of Commissioners

34 The existing boards of commissioners for the Cumberland, North Cumberland,

1 Cumberland Hill, and Valley Falls Fire Districts as created by the General Assembly shall be
2 dissolved, upon the swearing in of the Unified Cumberland Fire Board, and all of their powers
3 and duties shall pass to the Unified Cumberland Fire Board not inconsistent with this act. No
4 labor contracts shall be entered into or extended beyond June 30, 2015, until the swearing in of
5 the newly elected Fire Board. The existing boards of commissioners for the Cumberland, North
6 Cumberland, Cumberland Hill, and Valley Falls Fire Districts shall not approve or adopt a budget
7 that extends beyond June 30, 2015.

8 The existing boards of commissioners for the Cumberland, North Cumberland,
9 Cumberland Hill, and Valley Falls Fire Districts are hereby empowered and authorized to appoint
10 a transitional committee to assist in the transition to a consolidated fire district. This transitional
11 committee shall consist of eight (8) members, of which each of the existing four (4) fire
12 commissioners shall appoint two (2) members from each district to serve on said committee. Said
13 transitional committee may make recommendations to the four (4) existing boards of fire
14 commissioners and upon unanimous consent of the four (4) board of commissioners may be
15 empowered by resolution of each of existing boards of commissioners to act on their behalf on
16 matters relating to this consolidation.

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

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