

2014 -- S 3029

=====
LC005676
=====

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2014

—————
A N A C T

RELATING TO AMENDMENTS TO THE CHARTER OF THE EXETER FIRE DISTRICT

Introduced By: Senator Catherine Cool Rumsey

Date Introduced: May 22, 2014

Referred To: Senate Housing & Municipal Government

(by request)

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 1 of Chapters 434 and 524 of the 2004 Public Laws entitled "AN
2 ACT CREATING THE EXETER FIRE DISTRICT", as amended by Chapter 456 of the 2007
3 Public Laws, are hereby further amended to read as follows:

4 SECTION 1. The Exeter Fire District is hereby incorporated in the manner and form as
5 follows:

6 I. TITLE AND OBJECT

7 A. Title and Boundaries. The name of the district incorporated hereby shall be the
8 "Exeter Fire District." The boundaries of the district shall be coextensive with those of the town
9 of Exeter, Rhode Island. Said district may have a common seal, sue and be sued; impose taxes
10 and fees; purchase and own property of any description in furtherance of its objective; and enjoy
11 the powers and immunities generally incident to a governmental corporation under the Rhode
12 Island general laws.

13 B. Objective. The objective of the Exeter fire district shall be for the purpose of providing
14 [fire, rescue, and dispatch services within the fire district and/or to provide](#) operational funding for
15 nonprofit fire, rescue, and dispatch companies in the district and thereby to provide for the
16 protection and preservation of life and property in the town of Exeter from damage and
17 destruction by fire, accident, disaster, and other casualty, including the provision of emergency
18 medical services.

19 II. QUALIFIED ELECTORS

1 The electors of the district qualified to vote in the town of Exeter on propositions to
2 impose a tax, fees, or for the expenditure of money shall be eligible to vote and act in all meetings
3 of the district.

4 III. BOARD OF COMMISSIONERS

5 A. Membership. The board of commissioners shall consist of seven (7) qualified electors
6 in the town of Exeter selected as follows:

7 1. ~~One~~ Two (2) persons each appointed by the respective boards of each of the active
8 volunteer fire ~~and-rescue~~ companies in Exeter (totaling four (4) position appointments). This
9 provision shall become effective only on the expiration of the term of office of any existing board
10 of commissioners member appointed by a rescue company and/or the Exeter Emergency Dispatch
11 Center, Inc.;

12 ~~2. One person appointed by the board of the Exeter Emergency Dispatch Center, Inc.; and~~

13 ~~3~~ 2. Three (3) ~~person~~ persons who are not active members of Exeter public safety
14 organizations elected at the annual meeting of the district; provided, however, that the town
15 council of the Town of Exeter shall initially fill these three (3) positions by appointment as
16 follows: one for a term to expire at the district annual meeting in 2005; one for a term to expire at
17 the district annual meeting in 2006; and one for a term to expire at the district annual meeting in
18 2007. At the district annual meeting in 2005 and thereafter, the voters of the district shall elect
19 one person to serve as commissioner for a term of three (3) years. Any qualified elector who
20 wishes to run for commissioner shall present a petition in support of his or her candidacy
21 containing the signatures of twenty-five (25) qualified electors to the clerk of the district not less
22 than thirty (30) days before the annual meeting.

23 B. Term and Original Appointment.

24 1. The term of the elected members of the board of commissioners shall be three (3)
25 years.

26 2. The term of the members of the board of commissioners appointed by the public
27 service corporations shall be two (2) years; provided, however, that the initial term of the
28 commissioners appointed by Exeter Volunteer Fire Company #2 and the Exeter Emergency
29 Dispatch Center, Inc. shall be one year.

30 3. Each commissioner shall serve until his or her replacement is elected or appointed and
31 qualified.

32 C. Officers of the Board. At the board meeting following each annual meeting, the Board
33 shall elect a chair and vice-chair from among its membership for a term of one year. The chair
34 and, in his absence, the vice-chair, shall preside at all meetings of the board and shall conduct all

1 meetings in accordance with Robert's Rules of Order (latest version). The board of commissioner
2 shall appoint all committees and members thereto.

3 D. Quorum. A quorum shall be a majority of the members of the board of commissioners;
4 provided, however, that in the absence of a quorum the members present may vote to continue the
5 meeting to a specified date and time.

6 E. Duties of the board of commissioners. The board of commissioners shall generally
7 supervise the operations of the district to accomplish the objectives specified above. Without
8 limiting the generality of the foregoing:

9 1. The board of commissioners shall meet on a regular basis to consider all matters
10 related to the district.

11 2. The board of commissioners shall, thirty (30) days prior to the annual meeting, present
12 to the clerk of the district (a) a written report on the state of affairs of the district and (b) a
13 proposed budget for the coming fiscal year, both of which shall be presented to the voters at the
14 Annual Meeting.

15 3. Whenever a vacancy in the board shall occur, the chair shall advise the entity that
16 appointed such commissioner of the vacancy and the entity shall appoint a qualified voter of the
17 district to serve as commissioner for the unexpired term. If an elected member of the board shall
18 resign or be otherwise unable to serve, the board may appoint a commissioner to serve until the
19 next annual meeting at which time a commissioner shall be elected to fill the unexpired term, if
20 any.

21 4. The board of commissioners shall have the authority to provide fire, rescue, and
22 dispatch services directly in the district; to hire, manage, and discipline employees; to enter into
23 employment contracts and/or collective bargaining agreements; to purchase vehicles, equipment,
24 and supplies; to incur debt; and take and do all such other ordinary and necessary activities and
25 actions required for the fire district to provide fire, rescue, and dispatch services within the fire
26 district, enter into contracts and leases for the purchase and sale of equipment and services
27 necessary to provide proper operations of the district; to sue and be sued in the course of this
28 state; to retain legal counsel, accountants, consultants, or any other professional services deemed
29 necessary to be in the best interest of the district.

30 5. The district shall indemnify any commissioner or officer for damages, judgments,
31 settlements, costs, and expenses incurred with any action, suit, or appeal therefrom, arising out of
32 an alleged or actual breach of duty, neglect, error, misstatement, or omission, or any other matter
33 claimed against said person solely by reason of his or her being a commissioner or officer of the
34 district.

1 6. In order of effectuate the purposes stated herein, the board of commissioners may hire
2 and appoint the tax collector and/or the tax board of review in place in the town of Exeter or, at
3 its discretion, (i) hire a separate tax collector and/or (ii) establish a separate tax board of review
4 for the district, which duties shall be outlined in the by-laws of said district.

5 7. The board of commissioners shall have the authority to provide fire protection,
6 emergency services, and dispatching for the district.

7 IV. OFFICERS

8 The following shall be the officers of the district and shall be appointed by the board of
9 commissioners annually at the first meeting following each annual meeting of the district: clerk,
10 treasurer, tax collector and moderator. The officers may, but need not be, members of the board
11 of commissioners. Officers who are not members of the board shall not be entitled to vote at
12 board meetings.

13 A. Clerk. The clerk shall take minutes of all meetings and shall be held responsible for
14 the maintenance of same. The clerk shall give notice of every annual meeting, special meeting or
15 adjourned meeting and shall advertise the call of such meetings as provided herein. The clerk
16 shall have such additional powers and exercise such additional duties as the by laws or the board
17 shall designate.

18 B. Treasurer. The treasurer, before discharging his or her duties, shall give bond to the
19 Exeter fire district in such sum as the board of commissioners may determine, that will provide
20 for the faithful discharge of the duties of office. Said bond shall be deposited with the clerk. The
21 treasurer shall pay out and expend only those funds that are authorized to be expended by vote of
22 the qualified voters of the Exeter fire district in any meeting. The treasurer shall make a statement
23 annually of all accounts, in writing, and show the sums received and paid during the previous
24 fiscal year. The treasurer shall have the authority to hire such persons, subject to the limitations as
25 hereinafter set forth; to carry on the affairs of the Exeter fire district; and shall also have the
26 authority to invest any surplus funds in any interest bearing accounts as provided by law. The
27 treasurer shall have such additional powers and exercise such additional duties as the by laws or
28 the board shall designate. The board may appoint or designate a qualified elector as assistant
29 treasurer, said person not to be a member of the board who, in the absence or disability of the
30 treasurer shall have the authority to sign checks and assume the other duties of the treasurer. Said
31 person shall provide bond in an amount to be determined by the board.

32 C. Tax collector. The collector of taxes for the district shall, for the purposes of collecting
33 taxes, have the same powers, duties, and authorities as are now by law conferred upon collectors
34 of taxes for towns of this state. The tax collector shall pay over to the treasurer on the first

1 business day of each month the total taxes collected during the previous month, or at more
2 frequent intervals, at the option of the tax collector or the board. The tax collector shall determine
3 and assess all real and personal property, located within the boundaries of the Exeter fire district,
4 on December 31st of each year in the same amount as assessed by the town of Exeter. The tax
5 collector shall not assess any property exempt in whole or in part or knowingly omitted from
6 taxation by the town of Exeter. The date of collection shall be August 15th following said
7 assessment or such other date as shall be determined at the annual meeting. Provided, however, in
8 the event the tax roll of the town of Exeter is not certified by June 15th of any year, the tax
9 collector, on approval of the board, shall have the authority to change the date of collection to a
10 date not more than sixty (60) days from the date of said certificate of the tax roll by the town of
11 Exeter. The tax collector shall, after receipt of the list of assessments from the town of Exeter,
12 produce a tax bill based on the tax rate approved by the qualified voters of the Exeter fire district
13 and further shall maintain records of all tax collections and delinquent charges and provide annual
14 written reports thereof.

15 D. Moderator. The moderator shall preside at all annual and special meetings of the
16 district in accordance with the authority granted to the town moderator by state law and the
17 charter of the town of Exeter.

18 E. Removal. Officers shall serve at the pleasure of the board and may be removed with or
19 without cause by majority vote of the full board.

20 V. BYLAWS

21 The qualified electors of the district may, upon recommendation of the board, enact all
22 bylaws by them adjudged necessary and expedient for carrying the provisions of this charter into
23 effect, provided that the same be not in violation or repugnant to this charter or the laws of this
24 state.

25 VI. TAXABLE PROPERTY

26 The term "taxable property of the district" shall mean and intend to include all real,
27 tangible, and personal property located within the boundaries of the district, excluding motor
28 vehicles and property exempt in whole or in part or knowingly omitted from taxation by the town
29 of Exeter.

30 VII. ANNUAL AND SPECIAL MEETINGS

31 A. Annual meetings. There shall be an annual meeting of the district every year for the
32 purpose of receiving the reports of the board; approving the budget; ordering taxes and providing
33 for assessing, levying, and collecting the same; enacting bylaws; and transacting such other
34 business or adopting such measures, consistent with this charter, which the voters at said meeting

1 shall deem beneficial to the district. The annual meeting shall be held on the second Wednesday
2 of April in each year at such time and location, within or without the district, as the board of
3 commissioners shall determine. The date of the annual meeting and requirements of the call of
4 said meeting may be modified in the district bylaws.

5 B. Special meetings. The district shall have a special meeting upon written application
6 signed by twenty-five (25) or more qualified electors or at the direction of the board. Written
7 application for a special meeting and the notice thereof shall specify the business to be transacted
8 at such meeting. Special meetings shall be called within fourteen (14) days from the date of
9 delivery of said request to the clerk of the district at such location and time as the board of
10 commissioner shall determine and the business shall be limited to that provided in the notice of
11 meeting.

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

16 D. Notice of meetings. Unless otherwise specified in the district bylaws, notice of annual
17 and special meetings shall follow the requirements of state law for notice of financial town
18 meetings.

19 E. Powers of the district voters. In addition to the general powers specified above, the
20 voters shall have the following powers exercisable at annual and special meetings:

21 The power to order such taxes, fees, and provide for the assessing, levying and collecting
22 of same on the taxable inhabitants and property in said district as they shall deem necessary to
23 provide proper operating funding for the district and all fire, rescue and dispatch services in the
24 district and such taxes, so ordered, shall be assessed by the tax collector of said district on the
25 taxable inhabitants and property therein according to the last valuation made by the assessor of
26 the town of Exeter as provided herein. The taxes assessed and payable in any one year under the
27 provisions of this section shall not exceed two dollars and fifty cents (\$2.50) on each one
28 thousand dollars (\$1,000) of said valuation; provided further, however, the minimum charge for
29 any district tax bill rendered shall be not less than twenty dollars (\$20.00). The voters may
30 provide such deduction from the tax assessed against any person if paid by an appointed time, or
31 for such penalty by way of percentage on the tax if not paid at an appointed time, not exceeding
32 the maximum rate allowed by law upon said unpaid tax.

33 F. Budget cap. (a) Each public safety organization shall endeavor to limit its individual
34 annual budget request to an amount that exceeds its appropriation for the prior fiscal year by no

1 more than five and one-half percent (5.5%).

2 (b) In the event that any individual budget request (including the proposed fire district
3 administrative budget) exceeds the respective prior years appropriation by more than five and
4 one-half percent (5.5%), such request shall be voted on separately at the annual meeting and shall
5 require a two-thirds (2/3) vote of the electors present for approval. Prior to any such vote, the
6 moderator shall advise the electors by how much in percent and in dollars the request exceeds
7 five and one-half percent (5.5%).

8 (c) In the event that an appropriation resolution that exceeds the prior year's appropriation
9 by more than five and one-half percent (5.5%) is not approved by a two-thirds (2/3) vote, the
10 moderator shall entertain substitute resolutions from the floor and, following discussion, shall put
11 any such resolution to a vote until a substitute resolution receives the votes necessary for adoption
12 by majority or a two-thirds (2/3) vote, as may be required.

13 (d) After all such requests that exceed the prior year's appropriation by more than five
14 and one-half percent (5.5%) have been decided, the moderator shall put the entire fire district
15 budget to a vote of the electors present at the annual meeting. The fire district budget shall require
16 a majority vote for approval.

17 G. Reserve fund. There shall be established by the annual meeting a fund to be
18 designated the reserve fund into which there may be transferred from time to time by vote of the
19 annual meeting the whole or any portion of the surplus funds that the district may have at the end
20 of any fiscal year, or to which direct appropriations may be made, or which may be augmented by
21 both means. The purpose of the reserve fund shall be to make moneys available for temporary
22 borrowings in anticipation of taxes, and/or for capital expenditures, but for no other purpose. The
23 board of commissioners may authorize borrowing from the reserve fund in anticipation of taxes
24 within such limits as the annual meeting shall set for each fiscal year. Moneys from the reserve
25 fund may be used for capital expenditures only upon specific authorization of the annual meeting.
26 The treasurer shall have the authority, with the approval of the board of commissioners, to make
27 such prudent investments of moneys in the reserve fund as may seem appropriate.

28 VIII. DEBTS, BONDS, DEBENTURES AND REPAYMENT

29 A. The Exeter fire district is hereby authorized to incur total debt not to exceed one
30 percent of the total assessed valuation of all taxable property within the boundaries of the Exeter
31 fire district as of the assessment last made.

32 B. The Exeter fire district is hereby authorized to issue serial bonds or debentures under
33 its corporate seal and name. Said bonds or debentures shall be in denominations and shall bear
34 interest and be upon such terms and conditions and shall be issued and sold by the Exeter fire

1 district in such manner and at such time as the qualified electors of the Exeter fire district, by
2 majority vote of those present and voting, may decide at any annual meeting, special meeting, or
3 adjourned meeting, or in lieu thereof, the qualified electors, by majority vote of those present and
4 voting, may authorize the board and treasurer to supervise the issuance of said bonds and
5 debentures.

6 C. The chair or vice-chair of the Board and the treasurer shall sign all bonds or
7 debentures on behalf of the Exeter fire district.

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

10 IX. CHARTER REVISION

11 In the event that the board or twenty-five (25) qualified electors shall by written petition
12 request that this charter be revised or amended, then, and in that event, the board shall appoint a
13 committee to study such proposed amendments or revisions. Said committee shall report its
14 findings to the board which shall present any proposed amendments or revisions to the electors at
15 a general or townwide special election. Any amendment or revision to this charter shall be
16 contained in the warrant for the election at which it is to be voted upon. Upon approval of any
17 amendment or revision by the qualified voters of the district, the same shall be referred to the
18 Rhode Island general assembly for enactment at the first available session.

19 X. FISCAL YEAR AND INTERIM FUNDING

20 The fiscal year of the district shall be from July 1 through June 30. The town of Exeter
21 shall provide interim funding to the fire, rescue, and dispatch companies until the district taxes
22 are assessed and collected.

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

=====
LC005676
=====

EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO AMENDMENTS TO THE CHARTER OF THE EXETER FIRE DISTRICT

1 This act would further define the purposes of and the services to be provided by the
2 Exeter Fire District.

3 This act would take effect upon passage.

=====
LC005676
=====