

ALBION FIRE DISTRICT BYLAWS

ARTICLE I TITLE AND LOCATION

Section 1. In accordance with H.668, entitled, “An act to incorporate the Albion Fire District,” passed at the January session 1941, of the General Assembly, and approved by the Governor, March 13, 1941, and amendments thereto, the title of the corporation is:

ALBION FIRE DISTRICT

Section 2. The boundaries of said District are those established by the Charter, and Amendments thereto, and are incorporated herein by reference.

Section 3. The principle office shall be located in the Village of Albion, Town of Lincoln, Rhode Island.

ARTICLE II MEETINGS

Section 1 (a). The annual meeting of the Albion Fire District shall be held as prescribed by its charter, as amended, in the month of October of each and every year for the purpose of electing officers, ordering taxes and providing for assessing and collecting the same, enacting by-laws and transacting such other business or adopting such measures, consistent with the Charter, which shall be deemed necessary and beneficial to the Albion Fire District. The annual meeting as well as the Albion Fire District monthly meetings will take place at hour no earlier than 7:00pm for the holding of the meeting for the transaction of all business.

Section 1 (b). No more than 30 days prior to the annual meeting of the Albion Fire District, a public work session shall take place to review and discuss the upcoming budget. All matters relevant to the budget and its process will be presented in an open meeting to take place no earlier than 7:00pm.

Section 1 (c). The actual budget shall be made available to the public and posted on the Albion Fire District website at least 7 days prior to the annual meeting of the Albion Fire District.

Section 2. Special meetings of the Albion Fire District shall be held for purposes pertaining to the Corporation, provided an application in writing be made to the Clerk of the corporation by a majority vote of the Board of Fire Commissioners or by (25) twenty-five qualified District members, setting forth specifically the whole purpose of the desired meeting. Notice of the special meetings shall be issued as provided in Section 3 (b) of this article.

Section 3 (a). Notice of Annual Meetings of said Corporation shall be issued by the Clerk, or in the event of his/her death or inability, by the moderator, by posting notices AT LEAST FOURTEEN (14) DAYS BEFORE EACH ANNUAL MEETING in eight (8) public places within the District, and by advertising in (3) newspapers of local circulation setting forth the time and place at which such meeting is to be held. In order to bring before the annual meeting any measure pertaining to the Fire District, it shall be necessary the purpose of the meeting be specified in the notice or said notices posted to call said meeting. In addition, the Commission will send written notice to the taxpayer as set forth in the district tax roll as of the 31st day of December in the year preceding the meeting for which notice is sent at least

(14) days prior to said meeting. Each of the notices referenced herein shall contain the time, place and date assigned for the annual meeting, along with the general purpose thereof.

Section 3 (b). Notice of Special Meetings of said Corporation shall be issued by the Clerk, or in the event of his/her death or inability, by the moderator, by posting notices not less than fourteen (14) days before the Special Meeting in (8) public places within the District, setting forth the time and place at which the Special Meeting is to be held, which notices shall specify the subject to be acted upon, list the names of the Fire Commissioners, or of not less than twenty-five (25) qualified members, who shall have applied for the holding of said meeting and be signed by the Clerk or by the Moderator of the District.

Section 4. The Board of Fire Commissioners shall follow standard procedures for the reviewing of complaints involving personnel of the Fire District. A complaint must be made to a member of the Board of Fire Commissioners or to the Board of Fire Commissioners.

The Board of Fire Commissioners shall designate at least one Commissioner to conduct a preliminary investigation to determine if further action on the complaint is required. At the completion of the preliminary investigation, the investigating Commissioner (s) shall reveal the results and make recommendations to the Board of Commissioners.

A majority vote of the full Board of Commissioners shall be required to proceed with a Formal Complaint against personnel of the Fire District.

A hearing will be held within a reasonable time upon a Formal Complaint. All Commissioners must be in attendance at the hearings. The hearing will be open or closed to the public in accordance with R.I.G.L. The hearing will be an investigative proceeding. The person against whom the formal complaint concerns will be given full opportunity to present a defense to the complaint. Upon completion of the hearing, the Board of Commissioners shall take the following action; give a written reprimand, suspension from duty, discharge from employment with the Fire District.

Section 5. Emergency Action by the Commission: The Chairman or designee may place personnel on Immediate Administrative leave with pay pending a hearing by the Board of Commissioners. The hearing must be within 48 hours of placing the person on administrative leave. The hearing is to determine if the person is to be returned to duty or remain on leave pending a formal complaint or hearing.

ARTICLE III QUALIFICATION OF MEMBERS POWERS

Section 1. The qualified members of said Fire District shall at any legal meeting, have the power to enact by-laws, consistent with the Charter.

Section 2. The qualified members of said Fire District at their legal meetings shall have the power to order taxes, and provide for assessing and collecting the same, on the taxable inhabitants and property in said district as they shall deem necessary for purchasing and procuring real estate, buildings, and implements, apparatus other equipment, for the payment of current expenses of said district and also for the payment of indebtedness that has been or may be incurred by said district; provided, however, that the taxes assessed and payable in any year under the provisions of this section shall not exceed three dollars (\$3.00) per thousand of said valuation, and provided further, however the minimum charge for any fire tax bill rendered shall be not less than (\$20.00) twenty dollars.

The qualified members of said District may provide for such deduction from the tax assessed against any person if paid by an appointed time, or for such penalty by way of percentage on the tax if not appointed time, not exceeding the maximum amount allowable by law, as they shall deem necessary to insure punctual payment.

ARTICLE IV OFFICERS

Section 1. The officers of the Albion Fire District shall consist of:

One (1) Moderator

One (1) Treasurer

Five (5) Commissioners

Section 2. The Officers of the Albion Fire District must be qualified members of said district. All uncontested nominees shall be elected to office by the casting of one vote ballot for each uncontested nominee by the Clerk of the District. All Contested offices shall be voted upon by secret ballot. All officers shall hold office for one year (1) or until their successors are elected and qualified, except in the case of the Commissioners. One Commissioner of said board of five (5) Fire Commissioners shall be elected for a term of five (5) years at each successive annual meeting, the term of the of the Commissioner whose term expired shall be opened for nomination and elected for a term of five (5) years or until his/her successor has been elected and qualified. At the first scheduled meeting following the annual meeting, the Board of Commissioners shall elect a Chairperson and Vice-Chairperson.

Section 3. Any officer who neglects his/her duty may be impeached by a two-thirds vote of the members of the District present at a special meeting at which such vote is taken and vacancies will be filled by the members at this meeting. All vacancies occurring by reason of death, incapacity, resignation, or retirement shall be filled by a majority vote of the Board of Commissioners, the term of such appointment to expire at the next ANNUAL meeting when an election will be held to elect a Commissioner to serve the remainder of the un-expired term.

Section 4. The moderator shall preside at all annual and special meetings of the Fire District which shall have been called by proper notice; and at such meetings he/she shall conduct the proceedings, decide all discussions according to law, and have command over all records of the Clerk, of the Treasurer, and of the Tax Collector during such meetings. His/her decision as presiding officer may be appealed and overruled by a majority of the members present and entitled to vote. The appeal from the decision of the moderator, however, must be stated simply and correctly and must not be debatable. If the moderator is absent from a duly called Annual Meeting or Special Meeting, a temporary moderator may be elected by a majority of the members present and voting an he/she shall perform the duties of moderator.

Section 5. The Treasurer shall reconcile all District bank accounts on a monthly basis. He/she provide the Board of Commissioners written documentation of such on a monthly basis. He/she shall sign all checks issued by the District. He/she shall pay no money on account of the District except on the written approval of the clerk and/or a member of the Board of Fire Commissioners. The Treasurer shall close his/her books on the last business day of October of each year, and at every Annual Meeting report fully the condition of the treasury of the District. He/she shall further, do all acts pertaining to his/her office. He/she shall give a bond satisfactory to the Board of Fire Commissioners in such amount as shall be determined by said Commissioners and the premium thereon shall be paid by the District.

Section 6 (a). The Board of the Fire Commissioners shall manage the property and business of the Albion Fire District; they shall have full management of the business of the corporation, to include the levy of fees, and shall make provisions that the fire station and other property of the district are kept in good condition, are properly repaired and insured, and, in addition to the powers and authorities conferred on them by the Charter of the Albion Fire District and Amendments thereto, and the General Laws of the State of Rhode Island and these By-Laws, the Board of Commissioners may exercise all such powers and do all such acts and things as may be exercised and done by the Corporation, but subject nevertheless, to the provisions of the laws of the State of Rhode Island, to the Albion Fire District Charter and Amendments thereto and to these By-Laws, and to the regulations so made from time to time by the qualified members of said district.

Section 6 (b). There shall be a Fire Chief of the District who shall be appointed by and be under the direction of the Board of Commissioners. The Fire Chief shall have the general supervision and command of the Fire Department.

Section 6 (c). Without prejudice to the general powers and duties conferred by the last preceding clause and the other powers conferred by these By-Laws, the Fire Chief shall have the following powers and perform the following duties:

He or She:

1. Shall see that the Fire Department's property, apparatus, equipment and the fire alarm system are, and at all times, kept in good order and in readiness for instant use.
2. Shall see that his/her Officers and all firefighters perform their duties promptly and efficiently.
3. Or his/her designated Senior Officer shall respond promptly to every fire within the District and all orders given by him/her or the designee to any Officer or member of the Fire Department shall be promptly obeyed.
4. May call upon any and all persons to assist in extinguishing fires.
5. Shall see that all the rules of the Department are enforced and shall summarily decide all disputes or questions arising out of the matters connected with the Department.
6. Shall certify all bills against the Department and make a written report of the work and condition of the Department at the Annual Meeting of the District.
7. Shall recruit, enlist and make all appointments to the volunteer force. He/She shall supervise and train all personnel in fire fighting techniques.
8. Shall institute a fire prevention and inspection program within the District.
9. The Fire Chief shall carry out such other duties as the Board of Fire Commissioners may see fit to assign to him/her.

Section 6 (d). The Clerk shall keep full, fair and accurate minutes of the proceedings of the District at all meetings, recorded in full, all resolutions and votes thereon (except motions to adjourn and like formal

matters), to which end, the Moderator when requested to do so by the Clerk, shall require motions and resolutions to be reduced to writing by the member offering the same. The Clerk shall file and maintain all correspondence and contracts entered into by the Board of Fire Commissioners on behalf of the District. He/she shall give due notice of all meetings of said District as required by the Charter and the By-Laws of the District. If the clerk is absent from any meeting, a temporary clerk may be elected by a majority vote of the members present and voting and, he/she shall perform the duties of the Clerk.

Section 7. A Financial Officer for the District will be appointed by a majority vote of the Board of Fire Commissioners. The Financial Officer will report directly to the Board of Fire Commissioners or their designee. Upon delivery to him/her of the certified assessment from the Town of Lincoln the Financial Officer in his/her capacity as Tax Collector, shall collect and deposit into accounts approved by a majority vote of the Board of Commissioners, all taxes assessed, levied, and collected and the interest collected on the same. He/she shall at every Annual Meeting report fully the amount collected in taxes and interest and the amount of un-collected tax. The Financial Officer, shall as requested, be required to submit to the Board of Fire Commissioners a current and up to date report on the status of tax accounts. In accordance with the Charter, the General Laws of Rhode Island, the Albion Fire District's Financial Officer in his/her capacity as District tax Collector shall have all the powers and privileges, and be subject to all duties and liabilities which are conferred or imposed upon tax collectors in other Towns. The Financial Officer/Tax Collector shall be bonded to the satisfaction of the Board of Fire Commissioners, and the premium shall be paid by the Fire District. The Financial Officer shall maintain electronic based financial records established by the District, in accordance with the United States governmental Auditing Standards.

ARTICLE V EMERGENCY PROVISIONS

Section 1. In an emergency involving Fire District property, the Board of Fire Commissioners may expend an UNBUDGETED amount not to exceed two thousand dollars (\$2,000) in any one year without the expressed vote of the District voters.

ARTICLE VI BORROWING AUTHORITY

Section 1. Said district is hereby authorized and empowered to raise money through the issuance of its bonds or notes, signed by its treasurer, in such sum or sums, as said district may, by majority vote, at any regular or special meeting, determine; and the vote authorizing and empowering the treasurer to raise money upon the issuance of bonds or notes of the district shall be construed as authority for the renewal of any such bonds or notes from time to time; and said bonds or notes, so issued, shall be payable from all taxes that may be levied by said district without limit as to rate or amount, and shall otherwise be obligatory upon said district in the same manner and to the same extent as other debts lawfully contracted by said district.

ARTICLE VII

Section 1. The Board of Fire Commissioners may contract for the services of the Fire Chief and any other employee that the Board of Fire Commissioners deem necessary to carry out the mission of the Fire District. Such contract may be for a period of not more than five years.

Section 2. The Board of Fire Commissioners shall establish a Board of Review for the purpose of determining qualifications required for all full time positions of the Fire District. This same board may be

charged with administering the exams and tests required to classify candidates. The Board of Fire Commissioners will appoint a Board of Review.

Section 3. The Board of Fire Commissioners will appoint personnel to all positions from the reports given them by the Board of Review.

Section 4. The Albion Fire District shall provide written job descriptions of all employees employed in any capacity within the fire district. These job descriptions will be maintained and updated as needed when job duties or responsibilities warrant changes in the actual descriptions.

ARTICLE VIII AMENDMENTS

Section 1. Any By-Law may be amended at any Annual Meeting of the District; or the same may be amended at any Special Meeting of the District, provided proper notice is given in accordance with the Charter and By-Laws of the Albion Fire District. A majority vote of the qualified members present and voting shall be necessary to amend By-Laws.

ARTICLE IX SEAL

Section 1. The District shall have a seal, circular in shape, and shall bear the words:

ALBION FIRE DISTRICT INCORPORATED 1941 ALBION, RHODE ISLAND

Section 2. The Clerk shall have custody of the seal.

ARTICLE X FINANCIAL ACCOUNTABILITY

Section 1. The Albion Fire District on a three year basis shall hire an independent Certified Public Accounting organization, selected by the Albion Fire District Taxpayers at the annual meeting of the Albion Fire District. The selection of the CPA firm will be based upon a sealed bid process. After bids are publicly opened, an award will be made with reasonable promptness to that responsible bidder whose bid, conforming to the invitation for bids, will be most advantageous to the Albion Fire District, considering price and the price-related factors included in the invitation.

Section 2. The line items in the Albion Fire District financial statements shall clearly detail all revenues and expenses as possible when such presentation is relevant to the understanding of the Fire District's financial performance. All revenues and expenditures that amount to over \$3000 shall receive a separate line item in the annual financial statement.

Section 3(a). In parallel Columns opposite the several items of anticipated revenues there shall be placed the amount of each such item in the budget of the last completed fiscal year, the amounts of such items actually received during that year, the amount of each item in the budget of the current fiscal year and the amount actually received to the time of preparing the budget plus receipts for the remainder of the current fiscal year estimated as accurately as may be.

Section 3(b). In parallel Columns opposite the several items of proposed expenditures, there shall be placed the amount of each such item in the budget of the last completed fiscal year, the amounts of such items actually expended during such year, the amount of each such item in the budget of the current fiscal year and the amount actually expended to the time of preparing the budget plus expenditures for the remainder of the current fiscal year estimated as accurately as may be. Type your paragraph here.

THE ALBION FIRE DISTRICT CHARTER

04-LA 004

2004 -- H 7011

Enacted 02/06/04

A N A C T

RELATING TO THE INCORPORATION OF THE ALBION FIRE DISTRICT

Introduced By: Representatives Menard, and McManus

Date Introduced: January 07, 2004

It is enacted by the General Assembly as follows:

SECTION 1. The act passed at the January 1990 session of the general assembly entitled “An Act Relating to the Incorporation of the Albion Fire District” and all amendments thereto are hereby repealed in their entirety.

SECTION 2. Albion Fire District Charter - - Section 1. All that property in the village of Albion in the town of Lincoln, County of Providence, in the state of Rhode Island, beginning at a point in the middle of the Albion Road bridge at the Cumberland-Lincoln town line, following the Cumberland-Lincoln town line 4200 feet, more or less, in a northwesterly direction, thence running in a southwesterly direction along the northern boundary of land owned now or formerly by the Berkshire Fine Spinning Associates, Inc., to a point in the middle of the Old River Road, thence turning and running in a southeasterly direction along the middle of the Old River Road, 1040 feet, more or less, to a point opposite the dividing line between the land now owned or formerly owned by the heirs of Russell Handy and land owned or formerly owned by Arnold Mann; thence turning and following the northern boundary of the Arnold Mann and Stafford Mann land until the line comes to a large boulder, a corner of the land of the heirs of Stafford Mann, turning and following the North Smithfield town line, in a southerly direction until the line comes to the corner of the Smithfield town line, following said Smithfield town line in a southerly direction to a point in the middle of the Washington Highway; thence turning and continuing along the Washington Highway, in a northeasterly direction, crossing the Louisquisset Pike and continuing along the middle of said Washington Highway to the Cumberland town line turning and following said Cumberland town line in a northwesterly direction to the point of beginning, is hereby incorporated into a district to be known as the “Albion Fire District”.

Said district shall have the right to have and use a common seal; the right to sue or be sued; the right to purchase and own property of any description in furtherance of their objective mission of fire protection and emergency medical service for which it is incorporated, and enjoy the other powers generally incident to corporations and shall be subject to the provisions of the general laws and all acts in amendment thereof or in addition thereto.

SECTION 2. Voter eligibility. - - The domiciled residents of said district registered to vote in the town of Lincoln, henceforth referred to as “members”, shall be eligible to vote, hold office and act at all meetings of the district as further provided in the district bylaws.

SECTION 3. Annual Meeting. - - There shall be an annual meeting of said fire district every year, for the purpose of electing officers, ordering taxes and providing for assessing and collecting the same, enacting

bylaws and transacting such other business or adopting such measures, consistent with the charter which the members at said meeting shall deem beneficial to the district. Annual meeting date and requirements for the call of nature of said meeting shall be defined in the district bylaws.

SECTION 4. Special meeting. - - Said members may hold special meetings. It shall be the duty of the clerk to call a special meeting upon written application by twenty-five (25) or more members or by a majority vote of the board of fire commissioners setting forth specifically the whole and only purpose of the special meeting. Requirements for the notice of such meeting shall be defined in the district bylaws.

SECTION 5. District Officers. - - The officers of the fire district shall consist of a moderator, a treasurer, and a board of five (5) fire commissioners whose duties and powers shall be defined in the bylaws. Said officers shall be elected by the qualified members at the annual meeting of the fire district. Each fire commissioner shall hold office for a term of five (5) years and only one (1) fire commissioner shall be elected by the members of the fire district at every annual meeting to fill the vacancy of the fire commissioner whose term shall have expired.

All other officers shall hold office for a term of one (1) year or until their successors are qualified and elected. Any officer who shall neglect his or her duty may be impeached by two-thirds (2/3) vote of the members present at the meeting at such vote is taken and the vacancy will be filled by the members at this meeting. All vacancies occurring by reason of death, incapacity, resignation or retirement shall be filled by the majority vote of the board of fire commissioners. The term of such appointment to expire at the date of the next annual meeting at which time the members will elect a replacement for the unexpired term of that office.

There shall be a fire chief of the district who shall be appointed by the board of fire commissioners, whose duties shall be defined in the district bylaws and who shall carry out such other duties as the board of fire commissioners shall assign. The board of fire commissioners may also contract for the service of a permanent fire chief, for a period of not more than five (5) years.

SECTION 6. The moderator shall preside at all annual and special meetings of the fire district which shall have been called by proper notice; and at such meetings he or she shall conduct the proceedings, decide all discussions according to law, and have command over all the records of the clerk, of the treasurer, and of the tax collector during such meetings. His or her decisions as presiding officer may be appealed by those present and entitled to vote and a majority of the voters shall be sufficient to sustain the appeal and overrule his or her decisions. The appeal, however, must be stated simply and correctly and must not be debatable.

SECTION 7. The fire chief, the deputy chief, or the officer in charge of the fire department when on duty at a fire, the fire, district where the fire headquarters or station of said company is located or in response to an alarm for such a fire shall, in the absence of the police, have the power to suppress any tumult or disorder and to command from the inhabitants of the fire district all needful assistance for the suppression of fire and in the preservation of property exposed to fire. The officers above enumerated shall have the authority to go onto and enter any property or premises and to do whatever may reasonably be necessary in the performance of their duties while engaged in the work of extinguishing any fire or performing any duties incidental thereto.

SECTION 8. No member of the fire department of Albion fire district who, while on duty, performing the duties of a firefighter, and in the performance of said duty voluntarily and gratuitously renders emergency assistance to a person in need thereof, shall be liable for civil damages for any personal injuries which

result from acts or omissions by such persons rendering the emergency care which may constitute ordinary negligence. This immunity does not apply to acts or omissions constituting gross, willful or wanton negligence.

The fire chief, deputy chief and all members of this fire department shall not render themselves liable personally and they are hereby relieved from all personal liability for any damage that may occur to persons or property as a result of an act required or permitted in the discharge of their official duties and any fire chief, deputy chief, and all members acting in good faith and without malice, shall be free from liability for acts performed or by reason of their failure to act in the performance of their official duties.

SECTION 9. Powers. - - The qualified members of said fire district shall at any legal meeting, have the power to enact bylaws consistent with this charter, prescribing the duties and powers of the officers of the district.

The engine companies, ladder companies and rescue companies together shall constitute the fire department under the direction of the chief fire marshal, and shall be governed by the board of fire commissioners of the fire district. Such companies shall be subject to any provisions contained in the general laws of the state of Rhode Island and all acts in amendment thereof, and to the exemptions, privileges and remedies therein provided.

SECTION 10. Authorization. - - The qualified members of said fire district at their legal meetings shall have power to order taxes and provide for assessing and collecting the same, on the taxable inhabitants and property in said district as they shall deem necessary for purchasing and procuring real estate, buildings and implements, apparatus, other equipment, for the payment of the current expenses of said district and any indebtedness that has been or may be incurred by said district, and also for the payment of such emergency medical services as they deem necessary for the health, safety and welfare of the inhabitants; provided, however, that the taxes assessed and payable in any one (1) year under the provisions of this section shall not exceed three dollars (\$3.00) on each one thousand dollars (\$1,000) of said valuation; and provided further, however, the minimum charge for any fire tax bill rendered shall be not less than twenty dollars (\$20.00).

Such taxes so ordered, shall be assessed by the commissioners of said district on the taxable inhabitants and property therein according to the last valuation made by the assessors of taxes of the town of Lincoln next previous to said assessment adding, however, any taxable property which may have been omitted by said town assessors or which may have been afterwards since acquired; and in all cases where the town assessors have included property within said district and property without said district in one (1) valuation, the commissioners of said district shall make an equitable valuation of that portion of the same lying within said district, and in the assessing and collecting of said taxes such proceedings shall be had by the officers of said district, as near as may be, as are required to be had by the corresponding offices of towns in this state in assessing and collecting town taxes; and the collector of taxes for said district shall for purposes of collecting taxes assessed for said district have the same powers and authorities as are now by law conferred upon collectors of taxes for towns of this state. Said district may provide such deduction from the tax assessed against any person if paid by an appointed time, or for such penalty by way of percentage on the tax if not paid at an appointed time, not exceeding the maximum rate of percentage allowed by law per annum upon said unpaid tax.

Said district is hereby authorized and empowered to raise money through the issuance of its bonds or notes, signed by its treasurer, in such sum or sums, as said district may, by majority vote, at any regular or special meeting, determine; and the vote authorizing and empowering the treasurer to raise money upon

the issuance of bonds or notes of the district shall be construed as authority for the renewal of any such bonds or notes from time to time; and said bonds or notes, so issued, shall be payable from all taxes that may be levied by said district without limit as to rate or amount, and shall otherwise be obligatory upon said district in the same manner and to the same extent as other debts lawfully contracted by said district.

SECTION 11. Personnel. (1) The board of fire commissioners may contract for the services of the fire chief and any other employee the board of fire commissioners deems necessary to carry out the mission of the fire district. (2) There shall be established a board of review for the purpose of determining qualifications required for all full-time positions in the district. This same board shall be charged with administering the exams and tests required to classify candidates. The board of fire commissioners will appoint the board of review. (3) The board of fire commissioners will appoint personnel to all full-time positions from reports given to them by the board of review.

SECTION 12. This act shall take effect upon passage.