

# **BY-LAWS**

## **EAST GREENWICH FIRE DISTRICT**

### **SECTION 1**

The annual meeting of the East Greenwich Fire District, hereinafter called the "District", shall be held on the second Monday in June

### **SECTION 2**

All meetings, whether annual or special, shall be notified by publication in two (2) successive issues of a local paper and one (1) issue of any other Rhode Island newspaper of general circulation within the area served by the Fire District. The notices shall be published not more than thirty (30) days before the meeting they notify and shall state the time and place of the meeting and the business to be done. The notices shall be inserted by the Clerk of the District, or in his or her absence, inability or decease, by the Moderator.

### **SECTION 3**

The clerk shall copy the notices of meetings upon the record book of the District and shall certify that he or she has caused such notices to be published and such record shall be conclusive evidence that such meetings were duly notified.

### **SECTION 4**

Thirty (30) eligible voters of said Fire District shall constitute a quorum for the transaction of business at all annual or special meetings. If a quorum of eligible voters shall fail to attend a regular or special meeting of the District, the Moderator may adjourn the meeting from time to time without special notice until a quorum of eligible voters attend.

### **SECTION 5**

The officers of the District shall be a Moderator, Clerk, Treasurer, a Collector of Taxes, five (5) Fire Commissioners who shall also serve as Tax Assessors, a Fire Chief, no more than (5) Deputy Chiefs and such other officers as these By-Laws may prescribe. Any officers convicted of a felony

or any other offense involving malfeasance, misfeasance or nonfeasance in office shall be deemed to have vacated his or her office.

## **SECTION 6**

The Moderator of the District shall preside at all meetings of the District and may, by virtue of his or her office, attend and participate in the meeting of the Fire Commissioners; provided, however, that said Moderator shall have no power to vote at said meetings of the Fire Commissioners.

## **SECTION 7**

The Clerk of the District shall arrange for all meetings, shall publish and record the notices of all meetings as set forth above. He or she shall also record the minutes of all meetings and shall have custody of the record book and all other records of the District, except the books and records of the Treasurer. The clerk shall conduct correspondence in the name of the District. In the absence or disability of the Moderator, the Clerk shall perform the duties of the Moderator.

## **SECTION 8**

a) The residents of said District qualified to vote in Town affairs on propositions to impose taxes or for the expenditure of money, at each annual meeting and at any other meetings when vacancies occur, may elect the following officers:

1) for a one (1) year term, or until the next annual meeting and until others be chosen in their stead, a Moderator and such other officers and committees at such time and with such duties and powers as the By-Laws of the District may prescribe, and

2) for three (3) year terms, such Fire Commissioners whose terms of office have expired so that the full Board is composed of five (5) members.

b) The Board of Fire Commissioners shall appoint no more than five (5) Deputy Chiefs, a Tax Collector, Treasurer and Clerk to serve at the pleasure of the Board. Said officers' duties and powers shall be such as like officers of towns in this State have in their respective towns. Qualifications for the position of Deputy Chief shall be

determined by the Board of Fire Commissioners in conformity with industry-accepted standards. Such qualifications will be reviewed annually. When qualifications are established, incumbent Deputy Chiefs shall be allowed reasonable time to attain the required qualifications. All other individuals appointed as Deputy Chiefs must meet the qualifications at the time of their appointment. Deputy Chiefs must be members of the District, either career or volunteer. The Board of Fire Commissioners shall consider the recommendation of the Fire Chief in appointing the Deputy Chiefs who shall be appointed annually and who shall serve at the pleasure of the Board of Fire Commissioners.

## **SECTION 9**

a) It shall be the duty of the Board of Fire Commissioners to take charge of and care for the interests of the District in general, and, more particularly, the interests of the District as they may from time to time arise under and by the terms of any contract now existing or any contract that may hereinafter exist between the District and the Kent County Water Authority or any other person or corporation. They are empowered to settle all differences and disputes to which the Fire District may be a party by arbitration or otherwise, provided however, that said Board of Fire Commissioners shall not have authority to adjust or interfere in any dispute arising between any water taker or patron of said Water Authority other than in a matter strictly pertaining to the District.

b) The Board of Fire Commissioners shall be responsible for the purchase of all equipment, property, real or personal, and supplies and services required for the proper functioning of the District.

c) The Board of Fire Commissioners shall also have the authority and responsibility to engage or to terminate the services of all non-elected District employees.

d) The Board of Fire Commissioners shall meet each month and may call other meetings with notice, except no notice shall be required in an emergency. A majority of the elected and appointed Fire Commissioners shall constitute a quorum for the conduct of business. During meetings of the Board of Fire Commissioners any taxpayer of the Fire District shall have the right to speak on each of the items

noticed in the agenda, but only on such items. The last item of that portion of the agenda open to the public shall be public comment.

e) An officer shall hold no other position in the chain of command.

f) Any member aggrieved by a personal decision of the Fire Chief or the Board of Fire Commissioners may appeal said decision to the Personnel Appeals Board which shall within 45 days grant a hearing thereon. The decision of said Personnel Appeals Board shall bind the Fire Chiefs and the Board of Fire Commissioners.

g) In the event of the contemplated dismissal of any member, such individual must be given a hearing by the Board of Fire Commissioners before termination.

h) Personnel employed to assist the Tax Collector and to perform other clerical duties shall each be bonded in an amount satisfactory to the Board of Fire Commissioners, but in no event less than \$50,000.00.

## **SECTION 10**

Prior to each annual meeting the Board of Fire Commissioners shall hold a budget meeting. The Board of Fire Commissioners shall give notice of the meeting at least a week in advance thereof by the advertisement in a newspaper of local circulation. The Board of Fire Commissioners shall prepare a budget and deliver it to the Clerk within sufficient time to be included in the published notices of the annual meeting. Said Board of Fire Commissioners shall present its budget to the annual meeting, copies of which shall be distributed to the eligible voters present. At each annual meeting the Board of Fire Commissioners shall submit a report of their activities for the preceding year. No appropriation (including commitments and sinking funds) for any item not on the budget shall be made at the annual meeting if the same is in excess of Five Hundred Dollars (\$500.00) unless a proposal in writing for such appropriation, signed by at least fifty (50) eligible voters, is made to the Board of Fire Commissioners prior to or at such budget meeting. The Clerk shall include such proposal in the notices of the annual meeting.

## **SECTION 11**

The Assessors of the District shall obtain a list containing the value of property, both real and personal, and shall apportion all taxes according to such valuation. Said Assessors shall deliver said list to the Tax Collector of the District. It also shall be the duty of the Tax Assessors to ensure that a correct voting list is used at each annual or special meeting.

## **SECTION 12**

The Tax Collector of the District shall accept the tax list from the Tax Assessors and prepare and send tax bills in accordance with said tax list. He or she shall collect all taxes and shall turn over all receipts and moneys collected to the Treasurer. In the event a taxpayer is in arrears of more than two (2) years, the Tax Collector shall take all legal action to collect from said taxpayer, provided, however, that this provision shall in no way limit the authority of the Tax Collector to take legal action to collect taxes from taxpayers who are in arrears less than two (2) years. The Tax Collector may employ an assistant, or assistants, if any, who shall each give bond in amounts satisfactory to the Board of Fire Commissioners, but in no event less than \$50,000.00.

## **SECTION 13**

The Treasurer shall have the custody of all the moneys and securities of the District. He or she shall keep regular books and shall receive and deposit in a local bank in the name of the District all moneys turned over to him or her by the Tax Collector. The Treasurer shall have the authority to sign all checks for the District. The Treasurer shall pay promptly all bills approved by the Board of Fire Commissioners or their designees. The Treasurer is authorized to borrow money on behalf of the District when such action has been approved in accordance of the Charter and the By-Laws of the District. The Treasurer shall give a bond for the faithful discharge of his or her duties in the sum of \$50,000.00. In the absence, death or inability of the Treasurer to perform his or her functions, all matters requiring the signature of the Treasurer can be accomplished as if said Treasurer were present by the signature of any two of the Board of Fire Commissioners, to execute all matters generally expected and/or required of the Treasurer.

## **SECTION 14**

Prior to each annual meeting the Treasurer shall prepare a Financial Report. A certified public accountant selected by the Board of Fire Commissioners shall audit the books and records of the Treasurer and shall report thereon to the District within the time provided by law.

## **SECTION 15**

The Board of Fire Commissioners shall appoint the Fire Chief. The Fire Chief, under the direction of the Board of Fire Commissioners, shall have the command of the Fire Department and shall at all times supervise and keep in repair and ready for instant use all the property of the corporation connected with the Fire Department. All orders issued by the Fire Chief to any member of the Department shall be promptly obeyed. The Fire Chief shall decide summarily all disputes or questions arising out of matters connected with said Department among the personnel when on duty. In the Fire Chief's absence, inability or decease, the duties of the Fire Chief shall be performed by the Deputy Chief in order designated by the Fire Commissioners. The Fire Chief shall hold a quarterly meeting with the Deputy Chiefs for the purpose of discussing needs and plans for future actions.

## **SECTION 16**

a) At least thirty (30) days prior to each annual meeting the Moderator shall appoint a Nominating Committee of five (5) members from the eligible voters of the District. The members of the Nominating Committee shall not be elected or appointive officers of the district. It shall be the duty of the Nominating Committee to nominate at the annual meeting one member for each vacancy for which elections are being held. After the nominations of the Nominating Committee have been placed before the voters, the Moderator shall call for nominations from the floor. When nominations are closed, the vote shall be taken and the Moderator shall announce the results.

b) The names of the members of the Nominating Committee and their nominees shall be placed by the Clerk of the District in the call for the annual meeting which is published in various newspapers according to these By-Laws.

c) The Board of Fire Commissioners shall annually appoint a Planning Committee consisting of five (5) members from the eligible voters of the District. It shall be the duty of the Planning Committee to plan and make recommendations to the Board of Fire Commissioners with respect to the future needs of the District. In the event of a vacancy, the Board shall fill the same by appointment.

d) The Moderator shall, within thirty (30) days of his or her election, appoint a Personnel Appeals Board consisting of five (5) members. The Board of Fire Commissioners shall submit a list of nominees from which the Moderator shall appoint two. The recognized bargaining unit shall submit a list of nominees from which the Moderator shall select two. The moderator shall appoint one (1) neutral member who need not be a resident of the Town of East Greenwich. It shall be the duty of the Personnel Appeals Board to hear appeals from personnel decisions of the Fire Chief and/or the Board of Fire Commissioners. In the event of a vacancy; the Moderator shall fill the same by appointment.

## **SECTION 17**

When approved in accordance with the provisions of the Charter of the District, these By-Laws shall take effect immediately and they shall repeal all previous By-Laws of the District.

## **SECTION 18**

After their effective date these By-Laws may be suspended or amended only in the following manner: The proposal for suspension or amendment shall be made at the regular or special meeting of the District duly called. If the majority of eligible voters present approve such action, the Clerk shall record the proposal on the record book of the District but the proposal shall not otherwise be acted upon at the meeting. The Clerk shall include the proposal in the next published notice of regular or special meeting of the District. The proposal for amendment or suspension shall be acted upon at the meeting referred to in such notice. All amendments shall be effective when approved in accordance with the Charter of the District and the provisions of these By-Laws.

## **SECTION 19**

The Clerk of the District shall deposit copies of these By-Laws and all amendments thereto, together with a certified copy of the Charter, with the office of the Town Clerk of the Town of East Greenwich. The Clerk shall also copy said By-Laws and amendments into the record book of the District.