

LINCOLN FIRE DISTRICT BYLAWS

ARTICLE I TITLE AND LOCATION

Section 1. In accordance with H.5958 Substitute A, Local Act 103 and S0897, Local Act 097 both entitled, "AN ACT RELATING TO CONSOLIDATION OF THE ALBION AND SAYLESVILLE FIRE DISTRICTS INTO THE NEW LINCOLN FIRE DISTRICT," enacted on July 11, 2019 as passed at the January session 2019 of the General assembly, and amended by Local Acts 074 (H 8099) and 092 (S 2920) enacted on July 25, 2020, as passed at the January session 2020, and amendments thereto, the title of the corporation is:

LINCOLN 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 principal office shall be located in the Town of Lincoln, Rhode Island.

ARTICLE II MEETINGS

Section 1 (a). The annual meeting of the Lincoln 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 Lincoln Fire District. The annual meeting as well as the Lincoln Fire District monthly meetings will take place at hour no earlier than 7:00 pm for the holding of the meeting for the transaction of all business. A total of twenty-five (25) members shall constitute a quorum at any annual meeting. Said 25-member quorum shall be maintained throughout the annual meeting.

Section 1 (b). In the event that no quorum is obtained at two (2) consecutive scheduled annual meetings, any other business, regulations or agenda item may be acted upon by the Board of Fire Commissioners.

Section 1 (c). In the event a quorum is lacking at any annual meeting, the recommended budget for the upcoming fiscal year shall be considered approved as submitted and will be applicable as the operating budget for the district. All other matters on the agenda for

said annual meeting shall be continued one (1) week for action by the required quorum of members.

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

Section 2. Special meetings of the Lincoln Fire District shall be held for purposes pertaining to the district, 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 (30) thirty 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). For purposes of establishing any regular or special meeting of the taxpayers/members of the Lincoln Fire District, twenty-five (25) qualified District members (taxpayers) shall be required in order to constitute a quorum for a valid meeting. Said quorum must be maintained throughout any such meeting in order to constitute valid action and/or vote.

Section 3 (b). 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 five (5) public places within the District, and by advertising in one (1) newspaper of local circulation within the town, or one (1) newspaper of local circulation within the district and notice shall be posted on the district website 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.

Section 3 (c). 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 five (5) 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 (a). 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.

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 4 (b). All Fire Commissioners stipend salaries should be paid to each commissioner per monthly meeting attended on a bi-annual basis.

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 the District, defined as domiciled and registered to vote in the geographical boundaries of the Lincoln Fire District as set forth in the legislative charter, shall at any legal meeting, have the power to enact by-laws, to be consistent with the aforesaid 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 four dollars (\$4.00) per thousand 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). On any tax bill in excess of two hundred (\$200.00) dollars, the taxpayer may split his or her payments in two equal sums which shall require fifty (50%) percent to be paid on or before December 31st, and the remaining fifty (50%) percent of said sum to be paid on or before May 1st.

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 elected officers of the Lincoln Fire District shall consist of:

One (1) Moderator
Five (5) Commissioners

Section 2 (a). The Officers of the Lincoln Fire District must be qualified members of said district with the exception of the Treasurer, who may reside outside the district. All uncontested nominees shall be elected to office by the casting on 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 (1) year 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 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. Fire Commissioners are limited to two (2) consecutive five-year terms. At the first scheduled meeting following the annual meeting, the Board of Commissioners shall elect a Chairperson and Vice-Chairperson. Nothing shall prohibit a person from seeking an additional non-consecutive term.

Section 2 (b). Should any commissioner become unqualified or fail to serve in said capacity, or become unable to serve as Commissioner for any reason, the Board of Fire Commissioners may appoint a temporary Commissioner to fill the vacancy until the next annual meeting following the effective date of the vacancy.

Section 2 (c). Whenever a vacancy opening on the Board of Fire Commissioners shall be scheduled for vote at an annual meeting of the district, any person or persons seeking said office is required to notice the clerk of the district in writing at least thirty (30) days prior to said annual meeting.

Further, upon the existence of any vacancy or prior to any scheduled election of a Commissioner or Commissioners, an advertisement of the position shall be posted thirty (30) days prior in a newspaper of local circulation and posted on the district website. In the event of a vacancy mid-term, then an advertisement of the position shall be posted prior to the next monthly meeting.

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 from any resident or member in attendance and he/she shall perform the duties of moderator.

Section 5. At the first meeting of the Board of Fire Commissioners occurring after the annual meeting, the Treasurer of the District will be appointed by a majority vote of the Board of Fire Commissioners. The Treasurer shall reconcile all District bank accounts on a monthly basis. he/she shall provide the Board of Commissioners written documentation of such on a monthly basis. 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 Lincoln 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 Lincoln 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 Lincoln 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.

Further, at the inception of the Lincoln Fire District there shall be an assistant fire chief position in recognition of the two (2) ranking officers currently holding chief positions in the respective fire districts of Albion and Saylesville. Upon either the position of chief or assistant chief becoming vacant for any reason, the position of assistant chief may be eliminated from the table of organization as determined by the Board of Fire Commissioners.

Section 6 (c). Without prejudice to the general powers and duties conferred by the last preceding clause, the legislative charter 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/part time 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.
10. Shall be responsible for all personnel matters within the department and charged with the authority to discipline employees in conjunction with his or her authority and any procedures set forth in the collective bargaining agreements or regulations of the department.

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. The Clerk 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. At the first meeting of the Board of Fire Commissioners occurring after the annual meeting, the Tax Collector 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 Lincoln 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 twenty thousand dollars (\$20,000.00) 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 believed 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 Lincoln 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 Lincoln 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:

**LINCOLN FIRE DISTRICT
INCORPORATED 2020 LINCOLN, RHODE ISLAND**

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

ARTICLE X FINANCIAL ACCOUNTABILITY

Section 1. The Lincoln Fire District, on a three-year basis, shall hire an independent Certified Public Accounting organization, selected by the Lincoln Fire District Board of Fire Commissioners at the annual meeting of the Lincoln 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 Lincoln Fire District, considering price and the price-related factors included in the invitation.

Section 2. The line items in the Lincoln Fire District financial statements shall clearly detail all revenues and expenses as possible when such presentation is relevant to the understanding of the Fire Districts financial performance. All revenues and expenditures that amount to over five thousand dollars (\$5,000.00) 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.

**APPROVED BY ALBION&SAYLESVILLE CONSOLIDATION COMMITTEE
BOARD 10/28/2020**

**APPROVED BY LINCOLN FIRE DISTRICT BOARD OF FIRE
COMMISSIONERS 6/24/2021**

ENACTED AT FIRST ANNUAL MEETING OF MEMBERS 10/19/2021