

MISQUAMICUT FIRE DISTRICT BY-LAWS

Adopted: 6/8/02

Effective: 6/8/02

Article 1. VOTERS

Qualified voters in the Misquamicut Fire District shall include owners of taxable real property, permanent residents in the District who are registered to vote in the Town of Westerly, and Corporations and Representative Entities owning property in Misquamicut, which may designate no more than two persons, entitled to vote and who must be present to vote.

Article 2. MISQUAMICUT BOARD OF OFFICERS

The members of the Misquamicut Fire District Board elected to serve for one year are voting members: Moderator, Clerk, Treasurer, Tax Collector, Tax Assessor, two Members At Large, Fire Chief; and nonvoting member: Solicitor. In order to grant the District taxpayers proper representation on the Board, no Officer may hold more than one elected position.

The Board is responsible for the operation of the District between annual meetings.

The Board shall prepare a detailed list of the fixed assets of the District.

The Board shall serve as the committee on Fire Protection, Police Protection and Sanitation.

Article 3. MEETINGS AND ELECTIONS

The Misquamicut Fire District shall hold its Annual Meeting at 10:00 a.m. on the second Saturday in June at the Misquamicut Fire Station, or at another site within the District at the discretion of the Moderator, to elect District Officers, approve the budget, set beach parking fees and transact any other District business. All provisions of the Rhode Island Open Meeting act shall be followed.

If there is more than one candidate for an office, the Annual Meeting, after completion of all other business, shall be recessed and on the next Saturday an election by paper ballot for contested position(s) will be held from 8:00 a.m. to 2:00 p.m. at the Fire Station. There shall be no other items of business at this meeting. The Clerk shall direct all aspects of the election. If the position of Clerk is contested, the Moderator shall designate a qualified person to supervise the election. Upon completion of the voting, the ballots will be counted, the Clerk will announce the results and the meeting will stand adjourned or recessed at the discretion of the Moderator.

Special Meetings may be called by the Board if necessary as prescribed in the Charter. Notice for Annual and Special meetings shall be sent to the District taxpayers by mail at least ten days prior to the meeting, posted in at least three places in the District and advertised in THE WESTERLY SUN. Notice is not required for meetings recessed to a definite time unless voters request it before the recess. If the majority of voters present request a paper ballot on a question pending, the same shall be allowed. Board meetings shall be called by the Moderator. In the event the Moderator does not call a meeting, a majority of the District Officers may call a Board meeting by filing a written request to the Clerk, stating the items to be considered at the meeting.

Article 4. DUTIES OF THE OFFICERS

The Moderator shall

- be the chief executive officer of the Misquamicut Fire District
- preside at District and Board meetings -sign all necessary legal documents
- represent the District at hearings
- be responsible for all District property -direct all District activities except fire fighting
- engage all paid personnel other than elected Officers -appoint all committees
- appoint District Officers if vacancies occur
- fill vacancies on committees
- process invoices for payment
- sign pay orders
- receive bank statements and after review, transmit to Treasurer

-sign checks if the Treasurer and Tax Collector are unavailable

The Clerk shall

- keep minutes of all meetings
- notify taxpayers of meetings as prescribed in Article 3 of the By-laws
- handle all District correspondence
- coordinate District elections
- sign legal documents as required by the Charter
- sign pay orders
- preside at District and Board meetings in the absence of the Moderator
- keep the seal of the District

The Treasurer shall

- keep accurate records of all District funds
- deposit District funds in an FDIC insured bank within five business days
- pay all bills after obtaining signed pay orders
- sign checks -borrow funds when authorized at a District or Board meeting
- pay all state and federal taxes
- supply records to the auditors on a timely basis, including lists of accounts payable
- be bonded at District expense

The Tax Collector shall

- maintain records of property owners and taxes due and paid
- engage a service to prepare tax bills
- mail tax bills to taxpayers at least ten days before the tax collection period begins
- sign checks if the Treasurer is unavailable
- sign pay orders if the Moderator or Clerk is unavailable
- charge interest on past due accounts at a rate set by the Board
- hold a tax sale on any property for which taxes are in arrears
- deposit tax receipts in an FDIC insured bank within five business days
- transmit to the District Treasurer bank certified record of deposit within three business days
- be bonded at District expense
- supply needed information to the auditors on a timely basis

The Tax Assessor shall

- annually certify the tax roll prepared by the Town of Westerly for all real property in the District
- represent the District taxpayers on the Board
- recommend the annual tax rate to the Board

The Members At Large shall

- represent the District taxpayers on the Board
- assist the Tax Assessor in determining the annual tax rate

The Fire Chief shall

- be state certified to inspect properties in the District
- be responsible for the maintenance of all fire fighting equipment and serve with the Moderator as Custodian of the Fire Station
- appoint Deputies, Engineer and Building Custodian with the advice and consent of the Moderator
- recruit and train volunteer fire fighters
- transmit invoices to the Moderator for payment

The Solicitor (nonvoting) shall

- attend District meetings and Board meetings if requested by the Moderator
- review all contracts and other legal documents
- render legal opinions as requested by the Moderator or the other Officers

-attend hearings and present recommendations of the District

Article 5. VACANCIES

Moderator:

If the Moderator resigns or is unable to serve, the Board shall select one of its members to finish the unexpired term. The provisions of Article 2 shall apply.

Other Offices:

The Moderator is empowered to fill all vacancies that occur between Annual Meetings on the Misquamicut Fire District Board or on any committees.

Article 6. COMMITTEES

An Improvement Committee shall be elected annually as prescribed in the Charter having the following duties in addition to those prescribed in the Charter:

- assist the Moderator in preparation of regulations for operation of the beaches and recreational facilities
- determine the needs of the District in relation to services provided by the Town of Westerly
- direct the Crime Watch program
- direct the annual beach clean-up
- help with any other duties requested by the Moderator or the District voters

The Moderator shall annually appoint a Finance Committee to prepare a recommended budget for submission to the Fire District Board of Officers. The Committee shall consist of at least three (3) members. No District Officer shall serve on this Committee.

Article 7. FISCAL REQUIREMENTS

The fiscal year of the Misquamicut Fire District shall be from July 1 through June 30 of the next year.

The collection period when taxes are due shall be:

- in 1994, from October 15-31;
- in 1995, and thereafter, from September 15-30

The budget shall be presented for adoption at the Annual Meeting. In the event of an emergency the Board, by majority vote, may transfer funds from one account to another to provide funds for emergency repairs.

A pay order signed by the Moderator and the Clerk is required for any disbursement of District funds. The Tax Collector may sign if the Moderator or Clerk is not available.

The Board shall solicit bids for any expenditure in excess of \$5,000. The procedure shall require a legal advertisement detailing the item(s) needed. Upon receipt of the bids a public opening and reading of the bids will be held by the Officers. Bids shall not be required for any sole source item or if it becomes necessary to perform emergency repair(s). If no bids are received in response to a public advertisement, the Board may obtain the needed item(s) by seeking quotations.

The Board of Officers of the Misquamicut Fire District is empowered to add any fiscal requirements to strengthen the financial operation of the District.

A Certified Public Accountant shall conduct an annual audit of District financial records. There shall be a cash audit whenever there is a change of office of the Treasurer or the Tax Collector.

Article 8. RECORDS

Permanent records of the District shall be kept at the Fire Station.

Records of the District shall be transferred immediately from one Officer to another in the same office.

Article 9. SEAL

The seal of the District shall bear the words "Misquamicut Fire District, Inc. 1915". The seal shall be kept by the Clerk.

Article 10. QUORUM

At least twenty-five qualified voters of the District shall constitute a quorum.

Article 11. AMENDMENT

Changes to these By-laws may be proposed at any legally called District Meeting and voted on at the next legally called District Meeting by a majority vote of the qualified voters present.