

BYLAWS OF THE  
CARTERET COUNTY HARBOR AUTHORITY

ARTICLE I

Creation

The Carteret County Harbor Authority was created pursuant to House Bill HO730 codified as Chapter 598 of the 1981 Session Laws of the North Carolina General Assembly. These bylaws are adopted pursuant to Section 3 of Chapter 598 of the 1981 Session Laws.

ARTICLE II

Purposes and Powers of the Authority

The Carteret County Harbor Authority is a body corporate and politic created pursuant to the above legislation and was created to own, manage, and operate public harbors in Carteret County, North Carolina. The Harbor Authority shall have those powers conferred upon it by the North Carolina General Statutes and the following special powers and authorities granted it by Chapter 598 of the 1981 Session Laws of the N.C. General Assembly:

1. To purchase, acquire, establish, construct, own, control, lease, equip, improve, maintain, operate, and regulate public harbors or harbors of refuge, docks, ramps, and other general facilities for the use of boats and vessels within the limits of Carteret County; and for any of such purposes, to own, hold, lease, and/or operate real or personal property; to borrow money and to issue bonds and to secure the same by mortgages, with the consent and written approval of the Carteret County Commissioners;

2. To sue or be sued in the name of said Harbor Authority, to acquire by purchase and to hold lands for the purpose of constructing, maintaining, or operating any harbor within the limits of Carteret County, and to make such contracts and to hold such personal property as may be necessary for the exercise of the powers of said Harbor Authority;

3. To charge and collect reasonable and adequate fees and rents for the use of harbor facilities and harbor property or for services rendered in the operation thereof;

4. To make all reasonable rules and regulations as it deems necessary for the proper maintenance of public harbors and harbors of refuge in Carteret County and to provide penalties for the violation of such rules and regulations; provided, said rules and regulations and schedules of fees are not in conflict with

the laws of the State of North Carolina or the laws of the United States of America;

5. To issue bonds or other securities and obligations for the purpose of providing funds for such construction, maintenance, and operation of public harbor and harbor of refuge facilities. Provided, the issuance of bonds or other securities and obligations shall require the express approval of the Carteret County Board of Commissioners. All such bonds or other securities and obligations shall meet the requirements of and be issued pursuant to Article 5 of Chapter 159 of the N.C. General Statutes entitled "Local Government Revenue Bond Act." Any bonds or other securities and obligations issued pursuant to this section shall be denominated "Carteret County Harbor Authority Bonds." The bonds shall be signed by the Chairman of the Harbor Authority and the corporate seal affixed or impressed upon each bond and attested by the secretary of the said board. Such bonds, notes, or securities issued for the purpose or purposes set out above, may be issued and sold with the express approval of the Carteret County Board of Commissioners, but the sale shall be made under provisions of the "Local Government Revenue Bond Act," Article 5 of Chapter 159 of the N.C. General Statutes;

Bonds and notes issued under this act shall be exempt from all state, federal, county, or municipal taxes or assessments, direct or indirect, general or special, and the interest paid on said bonds or notes shall not be subject to taxation as income. The said bonds, notes, or other securities shall not be obligations of the County of Carteret, but the said Harbor Authority is authorized and empowered to pledge the revenues, rents, income, and tolls arising out of the use of any harbor property or any specific part of said harbor property until such times and the sums borrowed therefor are fully amortized and repaid;

6. The Harbor Authority is hereby authorized and empowered to acquire from the County of Carteret, the State of North Carolina, the United States of America, and any other owner or owners of real or personal property, by agreement therewith, either by gift or for such other consideration as deemed proper by the Harbor Authority, any real or personal property which may be necessary for the construction, operation, and maintenance of harbors and harbors of refuge in the County of Carteret;

7. All lands acquired, owned, controlled, leased, or occupied by the said Harbor Authority shall be acquired, owned, controlled, leased, and occupied for a public purpose;

8. To acquire, construct, equip, maintain, develop, and improve harbor facilities in the County of Carteret including, but not limited to, docks, wharfs, piers, buildings, structures, and the equipment, and to carry out improvements to the harbors and harbors of refuge in Carteret County;

9. To establish rules and regulations and to establish and collect fees for the handling and movement of seafood and other products over the piers, docks, and facilities of said harbors;

10. To accept funds from and to enter into agreements with the County of Carteret, State of North Carolina, and the United States of America for the purpose of acquiring, developing, improving, operating, or maintaining harbors and harbors of refuge within Carteret County;

11. To employ such agents, employees, engineers, attorneys, and other persons whose services may be deemed by the Harbor Authority to be necessary or useful in carrying out the powers of the Authority, and to fix and establish the salaries and compensation within the limits of available funding;

12. To enact ordinances, rules, and regulations regarding the use of public harbors and harbor facilities and the docking of boats and other vessels within said harbors. All such rules, regulations, and ordinances adopted by the Authority shall be recorded in the proceedings of the Harbor Authority and certified copies of such rules, regulations, and ordinances shall be filed with the Clerk to the Carteret County Board of Commissioners, and the Authority shall cause to be posted at appropriate places on the properties of the Authority, notice to the public of applicable rules, regulations, and ordinances as may be adopted by the Authority; and

13. To any and all things necessary to accomplish the purposes for which the Authority was created pursuant to Chapter 598 of the 1981 Session Laws of the N.C. General Assembly.

### ARTICLE III

#### Board of Directors

Section 1. General Powers. The affairs of the Authority shall be managed by its board of directors. Directors shall be resident voters of the County of Carteret.

Section 2. Number and Tenure. The Harbor Authority shall consist of seven members who shall be resident voters of the

County of Carteret. The seven members of the Harbor Authority shall be appointed by the Carteret County Board of Commissioners. Four of the original appointments to the Harbor Authority by the Carteret County Board of Commissioners shall be for a term of three years, and the remaining three original appointments to the Harbor Authority shall be for a period of two years so that the terms of office for the members of the Harbor Authority shall be staggered. Thereafter, upon the expiration of the terms of office for the original appointments to the Harbor Authority by the Carteret County Board of Commissioners, the terms of office for each member shall be for a period of two years.

Each of the members shall serve until their successors have been appointed and have assumed the office, and in the event of a vacancy by death or otherwise of any member of the Harbor Authority, the Carteret County Board of Commissioners shall have the right to appoint a successor for the remainder of the unexpired term of the member for which the vacancy has occurred. Each of the members and their successors so appointed shall take and subscribe before the Clerk of Superior Court of Carteret County, an oath of office and shall file the same with the County Commissioners of Carteret County.

#### ARTICLE IV

##### Meetings of the Board of Directors

Section 1. Regular Meetings. A regular meeting of the Harbor Authority shall be held on the third Thursday of each month without any other notice than this bylaw. The Harbor Authority may provide by resolution for a different regular meeting date or for additional regular meetings. All regular and special meetings shall be held at the principal office of the Harbor Authority unless notice of an alternate location is given in the notice of meeting.

Section 2. Special Meetings. Special meetings of the authority may be called by or at the request of the chairman or any two authority members, and shall be held at the principal office of the Authority or at such other place as the Authority members may determine.

Section 3. Notice. Notice of any special meeting of the Harbor Authority shall be given a minimum of 48 hours previously thereto by written notice delivered personally or sent by mail to each Authority member. Additionally, provisions of the open meeting law in Chapter 143 of the N.C. General Statutes regarding notice to the news media and the public shall be complied with in regard to any meetings of the Authority members. Any Authority member may waive notice of any meeting and the attendance of an Authority member at any meeting shall constitute a waiver of notice of such meeting, except where an Authority member attends a meeting for the express purpose of objecting to the transaction of any business because the meeting is not lawfully called or convened. Any notice of a special meeting shall specify the

purpose and business to be transacted at the special meeting.

Nothing herein shall prevent the Harbor Authority from meeting upon less than 48 hours notice in those circumstances authorizing a meeting upon less than 48 hours notice pursuant to the "Open Meeting Laws" in Chapter 143 of the N.C. General Statutes.

Section 4. Quorum. The majority of the Harbor Authority shall constitute a quorum for the transaction of business at any meeting of the board.

Section 5. Board Decisions. The act of a majority of the Authority members present at a meeting at which a quorum is present shall be the act of the Authority unless the act of a greater number is required by law or by these bylaws.

Section 6. Compensation. The Harbor Authority members shall receive such compensation, per diem or otherwise as may be approved and agreed upon by the Carteret County Board of Commissioners.

#### ARTICLE V

##### Offices

The principal office of the Authority shall be located at the Carteret County Courthouse, Beaufort, North Carolina. The Authority may have such other offices within Carteret County as the Authority members may determine from time to time.

#### ARTICLE VI

##### Officers

Section 1. Officers. The officers of the Authority shall be a chairman, vice chairman, secretary, and treasurer. The Harbor Authority shall elect from the Authority's members a chairman, vice chairman, secretary, and treasurer who shall serve for a term of one year. The officers shall have the authority and perform the duties prescribed from time to time by the Authority members. The treasurer and any other Harbor Authority member handling any money or funds on behalf of the Authority shall post a bond with the Authority meeting the requirements of Chapter 159 of the N.C. General Statutes. The bond shall be in favor of the Authority and the County of Carteret and shall be in the minimum amount of the Authority's annual budget.

Section 2. Election. The officers of the Authority shall be elected annually beginning with the regular meeting of the Authority for the month of August, 1981. Each officer shall be elected for a term of one year and shall hold office until his successor has been duly elected and qualifies.

Section 3. Removal. Any officer elected or appointed by the Authority may be removed by the board of directors of the

Authority whenever in its judgment the best interests of the Authority would be served thereby.

Section 4. Vacancies. A vacancy in any office because of death, resignation, removal, disqualification, or otherwise, may be filled by the Authority for the unexpired portion of the term.

Section 5. Powers and Duties. The several officers shall have such powers and shall perform such duties as may from time to time be specified in resolutions or other directives of the board of directors for said Authority. In the absence of such specifications, each officer shall have the powers and authority and shall perform and discharge the duties of officers of the same title serving in other corporate bodies and governmental authorities.

## ARTICLE VII

### Committees

The board of directors of said Authority by resolution duly adopted by a majority of the Authority members may designate one or more committees, each of which shall consist of two or more Authority members, which committees shall have such duties and responsibilities as are set forth in such resolution creating the committee.

## ARTICLE VIII

### Contracts, Checks, Deposits, and Funds

Section 1. Contracts. All contracts, leases, easements, and other legal documents shall be signed by the chairman and secretary of the Authority, or in their absence the vice chairman or such other officers as may be authorized by the board of directors of the Harbor Authority. The board of directors may authorize the chairman and secretary, or the vice chairman or assistant secretary in their absence, to enter into any contract or execute and deliver any instrument in the name of and on behalf of the Authority.

Section 2. Checks, Drafts, or Orders. All checks, drafts, or orders for the payment of money shall be signed by any two of the following three officers: chairman, vice chairman, and treasurer. All notes, bonds, or other evidences of indebtedness issued in the name of the corporation shall be signed by the chairman and secretary of the Authority. The issuance of bonds or other securities and obligations shall require the express approval of the Carteret County Board of Commissioners.

Section 3. Deposits. All funds of the Authority shall be deposited from time to time to the credit of the Authority in such banks or other depositories as the board of directors of said Authority may select.

Section 4. Gifts. The board of directors of said Authority may accept on behalf of the Authority any contribution, gift, devise, or bequest for any purposes of the Authority.

#### ARTICLE IX

##### Books and Records

The Authority shall keep correct and complete books and records of account and shall also keep minutes of the proceedings of its board of directors, committees having and exercising any of the authority of the board of directors and its committees, and shall keep at the principal office the records of the Authority which shall be available for inspection and review by the members of the public.

#### ARTICLE X

##### Reports and Audits

The Harbor Authority shall make an annual report to the Carteret County Board of Commissioners, setting forth in detail its operations and transactions conducted by the Authority annually. The books and records of the Authority shall also be audited annually, and the Authority shall comply with the requirements and conditions of Chapter 159 of the N.C. General Statutes regarding budgets, finances, expenditure of funds, and other matters applicable therein. Likewise, the Authority shall comply with Chapter 143 of the N.C. General Statutes with regard to open meetings of public bodies, purchases by governmental agencies, and other laws and statutes generally applicable to governmental agencies under the laws of the State of North Carolina.

#### ARTICLE XI

##### Seal

The Harbor Authority shall provide a corporate seal which shall have inscribed thereon the words "Carteret County Harbor Authority."

#### ARTICLE XII

##### Amendment of Bylaws

These bylaws may be altered, amended, or repealed, and new bylaws may be adopted by a majority of the Authority members present at any regular meeting or at any special meeting. Provided, that in the event the amendment, alteration, or repeal of these bylaws is proposed for any special meeting, written notice specifying the intention to alter, amend, or repeal or to adopt new bylaws at such special meeting shall be given a minimum of seven days written notice.