

BROAD & GALES CREEK COMMUNITY ASSOCIATION, INC.
BY-LAWS
(REVISED NOVEMBER 12, 2000)

ARTICLE I: (GENERAL)

- SECTION 1.** The name of the Association shall be the Broad & Gales Creek Community Association, Inc.
- SECTION 2.** The seal of the Association shall be as shown.
- SECTION 3.** No shares are authorized and none shall be issued.
- SECTION 4.** All meetings of the Association shall be conducted in accordance with "ROBERTS RULES OF ORDER."
- SECTION 5.** Any By-Laws, or parts thereof, contained herein, found to be in violation of North Carolina laws or Carteret County Regulations shall be deemed null and void.

ARTICLE II: (SCOPE)

- SECTION 1.** This Association shall be a Non-Profit Association established to benefit the community at large.
- SECTION 2.** The Primary purpose of this Association, is to maintain a Volunteer Fire Department and a Community Building Complex to serve the Residents of Broad Creek, West Broad Creek and Gales Creek Areas of Carteret County, North Carolina.
- SECTION 3.** During the course of time, this Association may undertake other projects for the mutual benefit of the membership.

ARTICLE III: (MEMBERSHIP)

- SECTION 1.** Membership in this Association shall be open to any person, (18) eighteen years of age or older, residing or owning property within the area which is currently under contract between Carteret County and Broad and Gales Creek Community Association for Fire Protection Services.
- SECTION 2.** Any person(s), (18) years of age or older, owning land, a dwelling, a business establishment, or other property subject to Fire Tax within the Broad and Gales Creek Fire District, is entitled to membership in this Association. A business entity is considered a single member for this purpose.
- SECTION 3.** The membership shall meet Annually for the Election of a Board of Directors, to Amend the Association By-Laws as required, and to transact such other business as called for. The Annual Meeting will normally be held on the Second Sunday of November. Notice of said meeting will be provided to the membership.

ARTICLE IV: (ORGANIZATION)

SECTION 1.

Board of Directors – This board shall be the governing body of the Association. It will consist of (10) ten members. (8) Eight Board Members will be elected by and from the membership to serve a (2) two year term of office. A Board Member must be (21) years of age or older, with no more than one Board Member residing in the same house-hold. Election of Board Members shall be conducted at the Annual Business Meeting, with (4) four members each to be elected during odd and even calendar years. The remaining (2) two Board Members shall be the Chief of Broad & Gales Creek Fire Dept. and the Chief of Broad & Gales Creek Rescue Squad. Any vacancy of any Board of Directors seat that may occur for any reason will be filled by the Board of Directors at their next regular monthly meeting. The following methods will be used:

- (1) The nominee from the last annual meeting receiving the next-highest amount of votes.
- (2) Should that person no longer be willing or able to serve, the next nominee in line of succession.
- (3) If the list of nominees is exhausted, a member at large will be appointed.

SECTION 2.

At the first regular business meeting of the newly elected Board of Directors, the Board shall elect from its (8) eight elected members the following officers: PRESIDENT, VICE PRESIDENT, SECRETARY, and TREASURER.

SECTION 3.

DUTIES OF THE PRESIDENT: Preside over all Association Meetings and Official Functions; Represent the Association with external interests; Appoint standing and special Committees as required; Prepare and Present a "State of the Association" message to the membership at the annual meeting; and insure that all By-Laws contained herein are complied with by Association Officers and the Membership.

DUTIES OF THE VICE PRESIDENT: To act as an Executive Assistant to the President in the event of the President's Absence.

DUTIES OF THE SECRETARY: To record and maintain Minutes of all Association Meetings; to file and maintain security of all Association Papers, Correspondence and Documents; to maintain an inventory of all Association Property having a unit value in excess of (\$5.00) Five Dollars; to assist the Board in all Administrative matters; and to Publicize Association Activities.

DUTIES OF THE TREASURER: To maintain a strict and accurate accounting of all Association Funds, both Accounts Receivable and Accounts Payable; to prepare and submit a Financial Report for the preceding month to the Board of Directors at the Regular Monthly Meeting; To Assist in the preparation of the Annual Budget; and to prepare and submit a Financial Statement to the Membership at the Annual Meeting.

SECTION 4.

COMMITTEES: Appointed by the President shall be Standing Committees for Buildings and Grounds and Planning. Special Committees may be appointed on a timely basis for Fund Raising Events, Special Projects and Other Association Devices. The Board of Directors is authorized to appoint a (3) three to (5) five member Committee to investigate charges of misconduct filed against any Board Member(s); then to recommend censure, disciplinary action or dismissal of charges to the board. The board of Directors is empowered to take appropriate action on the Committee Findings. No member(s) of the Board who is/are a party to the findings shall be eligible to vote in judgment on the findings nor participate in subsequent board action. (NOTE: when applicable, ARTICLE V; Section 1, concerning a "QUORUM" is suspended).

ARTICLE V (CONDUCT OF BUSINESS)

- SECTION 1.** The normal conduct of Association business shall be exercised by the Board of Directors meeting in regular session on a monthly schedule at an hour agreed upon. To conduct official business, a quorum consisting of fifty (50) percent of the qualified Board Members must be present and capable of participation in all issues involved.
- SECTION 2.** **Regular Meeting Format:** Presiding Officer determines a quorum is present, then calls the meeting to order; The Secretary calls the roll, then reads the minutes of the previous meeting and the presiding officer initials same after board approval; The Treasurer makes the financial report for the past month and the presiding officer initials same after board approval; Standing and Special Committee Reports are called; Fire Department Report; Rescue Squad Report; Floor open to the membership; Old Business; New Business; and Adjournment.
- SECTION 3.** **Special Meetings** of the Board of Directors shall be held at such time as the board deems necessary. A quorum must be present and the regular meeting format is in order.
- SECTION 4.** **ALL** Association meetings, except for the executive sessions, are open to the membership. All Association records are subject to perusal by the membership during reasonable hours.
- SECTION 5.** **Under Emergency Conditions**, Association Business may be conducted by the president or the Vice President in his absence via telephonic quorum. In all such cases, the officer conducting the business will report full particulars to the Board of Directors at the next meeting for entry into the official minutes.
- SECTION 6.** **No Member** of the Board of Directors is permitted to vote by Proxy.
- SECTION 7.** **The Board of Directors** may sit in Executive Session to discuss personnel or other matters which involve the integrity and/or the reputation of the Association.

ARTICLE VI: (ASSETS/FINANCES)

- SECTION 1.** **All Property** real and personal, acquired by this Association shall be used for Community purposes and its usage and disposal shall be governed by the Board of Directors.
- SECTION 2.** **An Inventory** of all Association Property shall be established and maintained by the Secretary. Subject inventory will be verified on an annual basis by the newly elected Board of Directors. This inventory shall be prepared in a uniform manner using prescribed forms and will reflect all items of Association Property having a Unit Value in excess of Five Dollars (\$5.00).
- SECTION 3.** **The Association** fiscal year shall extend from July 1 to June 30 of the following year.
- SECTION 4.** **The Association** depository for money and vital papers shall be determined by the Board of Directors.
- SECTION 5.** **All Association** checks and/or disbursements shall be validated by the President and the Treasurer whose signatures will be on file with the depository.

- SECTION 6.** The Association debt ceiling shall not exceed Twenty-five Thousand Dollars (\$25,000.00) total indebtedness; however, this ceiling may be exceeded by the purchase debt incurred for any major piece of fire fighting equipment or for supporting buildings and grounds.
- SECTION 7.** Any Single Expenditure in excess of twenty-five hundred dollars (\$2,500.00) for durable goods, expendable supplies and/or services shall be subject to public contract negotiation and approval by the Board of Directors. Exception to this by-law may be implemented in the case of sole manufacturer and/or the necessity of duplication goods or supplies in inventory.
- SECTION 8.** The Board of Directors shall prepare an Annual Budget for approval by the date set by Carteret County notification. Subject budget will incorporate the B&C Fire Department budget for planning purposes. This budget is intended to guide the Board of Directors on expenditures and to provide a platform for revenues.
- SECTION 9.** Every Member of this Association who will be responsible for handling Association funds in excess of One Hundred Dollars (\$100.00) will be bonded by the Association.
- SECTION 10.** All monies disbursed from this Association must be validated by a clearly marked, itemized and dated receipt. Such receipts will be tendered to the Treasurer by the last day of the month for the inclusion in the monthly financial report to the Board of Directors.
- SECTION 11.** All financial records of this Association shall be audited by a Certified Public Accountant at close of business on June 30 of each year. Results of the audit will be presented to the Board of Directors by the Treasurer in a timely fashion.
- SECTION 12.** The Association shall keep in force adequate insurance coverage to cover all losses to real and personal Association property and to cover claims against the Association for property damage liability and/or injury liability.
- SECTION 13.** Upon the dissolution of the Association, the Board of Directors shall, after paying or making provisions for the payment of all liabilities, dispose of all of the assets of the Association exclusively for the purposes of the Association in such manner, or to such organization or organizations organized and operated exclusively for charitable, educational, religious, or scientific purposes as shall at the time qualify for exempt organization or organizations under Section 501 (C) (3) of the Internal Revenue Code of 1986 (or the corresponding provision of any future United States Revenue Law), as the Board of Directors shall determine. Any such assets not so disposed of shall be disposed of by the Superior Court of Carteret County, exclusively for such purposes or to such organization or organizations, as said court shall determine, which are organized and operated exclusively for such purposes.

ARTICLE VII: (Broad and Gales Creek Fire Department)

- SECTION 1.** As contained in Article II, Section 2, the Broad and Gales Creek Fire Department shall function as one of two primary purposes of this Association. Its Mission: To promote fire prevention and provide fire protection within the Broad and Gales Creek Fire District as delineated by the Carteret County Board of Commissioners.
- SECTION 2.** The Fire Department shall be headed by a chief selected from within the Fire Department by its members.
- SECTION 3.** The Chief shall be responsible to the Board of Directors for the total management of the department. The Board of Directors shall have the authority to reprimand the chief for cause. However, the relief of the chief shall require a public hearing to be conducted within thirty (30) days for final resolution.

SECTION 4.

The Chief shall insure that the fire department is ready, adequately manned, equipped and able to provide fire protection to residents and property, within the Broad and Gales Creek Fire District; that departmental personnel are proficiently trained in fire fighting techniques in consort with current standards.

SECTION 5.

The Chief shall prepare a comprehensive operating/planning budget to reflect the next fiscal year requirements for operation and maintenance costs, for equipment acquisition and replacement and for anticipated major equipment purchases. This budget shall be presented to the Board of Directors, prior to submission to the county manager, for board approval and inclusion in the Association Budget.

SECTION 6.

The Chief shall maintain a property inventory on prescribed forms of all departmental property having a unit value in excess of Five dollars (\$5.00). The secretary shall be provided a copy of the subject inventory.

SECTION 7.

The Fire Department shall employ management practices as contained in applicable sections of these by-laws under **Article VI**, and shall maintain complete and accurate records of all money transactions. A monthly report of finances shall be made to the Board of Directors at the regular monthly meeting with a copy to the treasurer.

The foregoing by-laws were adopted in March of 1964, rewritten and amended in November of 1995; November of 1998; and again in November of 2000 and adopted by the membership at the annual meeting on November 12, 2000.

AUTHENTICATED BY:

President _____ Date _____

Vice President _____ Date _____

Secretary _____ Date _____

Treasurer _____ Date _____