

**§ 160A-883. Creation and expansion of Authority.**

(a) Resolution of Creation. – An Authority may be organized under the provisions of this Article upon the adoption of a resolution to create such an Authority by the boards of commissioners of all three or more counties within an area for which an Authority may be created pursuant to G.S. 160A-882(a) and the elected board of each municipality containing a portion of the rail corridor.

(b) Public Hearing. – A resolution to form an Authority under this Article shall be adopted after a public hearing. Notice of the public hearing must be given at least once, not less than 10 days prior to the date fixed for the hearing, in a newspaper having a general circulation in the county. The notice must contain a brief statement of the substance of the proposed resolution; a description of the rail corridor to be controlled, purchased, or otherwise operated by the Authority; the proposed articles of incorporation of the Authority; and the time and place of the public hearing.

(c) Articles of Incorporation. – A resolution to form an Authority under this Article must include articles of incorporation that set forth all of the following:

- (1) The name of the Authority.
- (2) A statement that the Authority is organized under this Article.
- (3) The name of each organizing entity.

(d) Certificate of Incorporation. – A certified copy of each resolution organizing an Authority under the provisions of this Article shall be filed with the Secretary of State, together with proof of publication of the notice of hearing. If the Secretary of State finds that each resolution, including the articles of incorporation, conform[s] to the provisions of this Article and that the notice of hearing was properly published, then the Secretary must issue a certificate of incorporation under the seal of the State and record the same in an appropriate book of record. The issuance of the certificate of incorporation by the Secretary of State shall constitute the Authority a public body and body politic and corporate of the State of North Carolina. The certificate of incorporation is conclusive evidence of the fact that the Authority has been duly created and established under the provisions of this Article.

(e) Resolution to Join. – If, at any time subsequent to the creation of an Authority, the Authority proposes or otherwise intends to extend the rail corridor into a county or municipality that is not already an organizing entity of the Authority, that county or municipality may join the Authority under the provisions of this Article upon the adoption of a resolution to join by the elected board of the county or municipality. A resolution to join an Authority under this Article shall be adopted after a public hearing. Notice of the public hearing must be given at least once, not less than 10 days prior to the date fixed for the hearing, in a newspaper having a general circulation in the county. The notice must contain a brief statement of the substance of the proposed resolution; a description of the rail corridor to be controlled, purchased, or otherwise operated by the Authority; the proposed articles of incorporation of the Authority as updated to include the new organizing entity; and the time and place of the public hearing. A certified copy of each resolution to join an Authority under the provisions of this Article shall be filed with the Secretary of State, together with proof of publication of the notice of hearing. If the Secretary of State finds that the resolution, including the updated articles of incorporation, conform[s] to the provisions of this Article and that the notice of hearing was properly published, then the Secretary of State must issue an updated certificate of incorporation under the seal of the State and record the same in an appropriate book of record. The updated certificate of incorporation is conclusive evidence of the fact that the Authority has been duly updated under the provisions of this Article. The Authority may not at any time extend its rail corridor to be longer than 25 miles in compliance with G.S. 160A-882(a)(2) through any subsequent addition of a county or municipality.

(f) Members. – When the Authority has been duly organized or updated and its members appointed to the Board of Trustees, the chair of the Board of Trustees shall certify to the Secretary of State the names and addresses of the members as well as the address of the principal office of the Authority.

(g) Members Not Liable. – No member of the Board of Trustees shall be subject to any personal liability or accountability by reason of their execution of any debt held by the Authority.

(h) Compensation of the Board of Trustees. – Members of the Board of Trustees shall receive the sum of fifty dollars (\$50.00) as compensation for the attendance at each duly conducted meeting of the Authority.

(i) [Annual Report. –] The Authority shall, promptly following the close of each fiscal year, submit an annual report of its activities for the preceding year to the Governor, the General Assembly, and the Local Government Commission. Each report shall be accompanied by an audit of its books and accounts. The costs of all audits, whether conducted by the State Auditor's staff or contracted with a private auditing firm, shall be paid from funds of the Authority. The Authority shall submit annual reports to the Joint Legislative Commission on Governmental Operations. The reports shall summarize the Authority's activities during the quarter and contain any information about the Authority's activities that is requested by the Commission. (2024-45, s. 19.4(a).)