

**MINUTES
REGULAR MEETING
HERTFORD COUNTY BOARD OF COMMISSIONERS
MULTI-PURPOSE ROOM – JUDICIAL CENTER
MONDAY, FEBRUARY 18, 2019
7:00 P.M.**

PRESENT:

Mr. Ronald J. Gatling, Chairman
Mr. John D. Horton, Vice-Chair
Mr. Leroy Douglas
Mr. Andre` Lassiter

ABSENT: Mr. William F. Mitchell, Jr.

ALSO PRESENT WITH THE BOARD:

Ms. Loria Williams, County Manager
Mr. Juan Vaughan, Asst. County Manager
Dr. Renee Fleetwood, Clerk to the Board
Mr. Charles L. Revelle, III, County Attorney
Ms. Maria R. Jones, Asst. County Attorney

Chairman Ronald J. Gatling, called the Meeting to order and Pastor Jeff Douglas of Saint Thomas' Episcopal Church in Ahoskie provided the Invocation.

CONSENT AGENDA

On a motion by Com. Lassiter and a second by Vice-Chair Horton, the Board voted unanimously to approve the following Consent Agenda with a correction to the February 4, 2018 Regular Meeting Minutes County Commissioners' Comments to read: Vice-Chair Horton stated he would like to have a department head to give updates at each Board meeting:

- Approval of Regular Meeting Minutes for February 4, 2018.
- Approval of Refund to D. Blunt
- Approval of NC Vehicle Tax System Refund

APPROVAL OF REPORT OF UNPAID TAX LIENS & REQUEST TO ADVERTISE

The Report of Unpaid Tax Liens & Request to Advertise was presented by Mrs. Tammi Eason, Interim Tax Collector. On a motion by Vice-Chair Horton and a second by Com. Lassiter, the Board voted unanimously to approve the Report of Unpaid Tax Liens and Request to Advertise.

APPROVAL OF HERTFORD COUNTY BUDGET AMENDMENTS FY 2018-2019

Mrs. Sandy Pittman, Finance Director, presented the Hertford County Budget Amendments #22 - 23.

On a motion by Com. Lassiter and a second by Vice-Chair Horton, the Board voted unanimously to approve the Amendment to Hertford County Budget Ordinance Fiscal Year 2018-2019 Amendment # 22.

AMENDMENT TO HERTFORD COUNTY BUDGET ORDINANCE FISCAL YEAR 2018-2019

BE IT ORDAINED by the Governing Board of the County of Hertford, North Carolina, that the following amendment be made to the annual budget ordinance for the fiscal year ending June 30, 2019:

REVENUE:

Department	Account Number	Account Description	Amount Increase	Amount Decrease
Restricted Intergovernmental	100060 413551	Refund of ROAP Grant Funds		\$ 6,632
Revenues	100112 448500	Fund Balance Appropriated	\$ 6,632	
	Total Changes in Revenue		\$ 6,632	\$ 6,632
Net Change in Revenue			\$0	

EXPENDITURE:

Department	Account Number	Account Description	Amount Increase	Amount Decrease
	Total Changes in Expenditures		\$ -	\$ -
Net Change in Expenditures			\$0	

Explanation:

To budget for reimbursement of unspent ROAP Grant funding from FY18.

Amendment # 22
 Approved: _____
 Posted: _____

Finance Director _____
 Date _____

On a motion by Com. Lassiter and a second by Vice-Chair Horton, the Board voted unanimously to approve the Amendment to Hertford County Budget Ordinance Fiscal Year 2018-2019 Amendment # 23.

AMENDMENT TO HERTFORD COUNTY BUDGET ORDINANCE FISCAL YEAR 2018-2019

BE IT ORDAINED by the Governing Board of the County of Hertford, North Carolina, that the following amendment be made to the annual budget ordinance for the fiscal year ending June 30, 2019:

REVENUE:

Department	Account Number	Account Description	Amount Increase	Amount Decrease
Restricted Intergovernmental - DSS	100063-418701	LIEAP	\$ 36,849	
Restricted Intergovernmental - DSS	100063-419101	CIP		\$ 20,000
Revenues	100107-419400	DSS Donations	\$ 637	
Revenues	100112-448500	Fund Balance Appropriated	\$ 4,615	
Total Changes in Revenue			\$ 42,101	\$ 20,000
			Net Change in Revenue \$22,101	

EXPENDITURE:

Department	Account Number	Account Description	Amount Increase	Amount Decrease
Public Assistance - DSS	104440-563001	LIEAP	\$ 36,849	
Public Assistance - DSS	104440-569009	CIP		\$ 20,000
Local Funds - DSS	104530-569700	DSS Donation Fund Expenses	\$ 5,252	
Total Changes in Expenditures			\$ 42,101	\$ 20,000
			Net Change in Expenditures \$22,101	

Explanation:

Finance Director _____ Date _____

Amendment # _____ 23
 Approved: _____
 Posted: _____

APPROVAL OF RESOLUTIONS FOR EXTENSIONS OF CREDIT AND INCUMBENCY CERTIFICATE PNC

Mrs. Sandy Pittman, Finance Director, presented the PNC Resolutions for Extensions of Credit and Incumbency Certificate for Board Approval.

On a motion by Com. Lassiter and a second by Vice-Chair Horton, the Board voted unanimously to approve the PNC Resolution for Extensions of Credit and Incumbency Certificate for Board Approval.

PNC Resolutions for Extensions of Credit And Incumbency Certificate

As of February 18, 2019, the undersigned certifies as follows to PNC Bank, National Association ("Bank"):

1. Name of Entity: HERTFORD COUNTY ("Entity")

2. Organizational Documents: If requested by the Bank, attached hereto (unless previously delivered to the Bank) is a true, complete and correct copy of the Entity's organizational documents, with all amendments thereto as in effect on the date hereof.

3. Adoption of Resolutions: The Entity is a body politic and corporate based in or organized under the laws of North Carolina, and the undersigned officer or authorized representative of the Entity certifies that the following is a true copy of resolutions (the "**Resolutions**") adopted by the Hertford County Commissioners or other governance authority of the Entity pursuant to, and in compliance with, its organizational documents and applicable law, which adoption occurred on a date which is on or before the date of this certificate. The Resolutions now stand of record on the books of the Entity, are in full force and effect and have not been modified or revoked in any manner whatsoever.

4. Resolutions:

4.1 Loans and Extensions of Credit. Resolved, that any one (1) officer or other authorized representative of the Entity holding one of the titles set forth below:

NAME	TITLE
Loria D Williams	County Manager
Sandy Pittman	Finance Director

is hereby authorized, at any time and from time to time: (a) to obtain financial services and products of any kind from the Bank or from any other direct or indirect subsidiary of The PNC Financial Services Group, Inc. (collectively, "**PNC**"), including but not limited to loans and other products involving the extension of credit; equipment leases; letters of credit; investment sweep products (whether or not related to a credit product); other treasury management services and products; and capital markets services and products, including but not limited to (x) interest or currency swaps, futures, options, collars, caps, floors, forward rate or other interest rate protection or similar arrangements or any foreign currency transaction or similar transaction providing for the purchase of one currency in exchange for the sale of another currency, (y) equity, credit, or other derivative products, and (z) asset securitizations and other receivables financing transactions; (b) to sell to or discount with PNC any personal property (tangible or intangible), at any time held by the Entity and for such purpose to endorse, assign, transfer and deliver the same to PNC or its agent or designee; (c) to guarantee the payment and performance of the indebtedness and obligations of other persons or entities to PNC; (d) to create or cause the creation of any trusts or other special purpose entities required to be established in connection with any product or service obtained from PNC; (e) to pledge, assign, transfer, mortgage, grant a security interest in or lien on any real or personal property (tangible or intangible) of the Entity to or in favor of PNC as collateral security for the payment and performance of all loans, advances, debts, liabilities, obligations, covenants and duties of the Entity or of any other persons or entities to PNC (whether or not in connection with a guaranty of such other person's or entity's obligations to PNC); (f) to execute, accept, authorize agreement to and/or deliver to or in favor of PNC such agreements, documents and instruments, required or requested by PNC in connection with any of the foregoing products, services or actions, including but not limited to loan agreements, promissory notes or other evidence of indebtedness, guaranties, equipment leases, letter of credit reimbursement agreements, treasury management service agreements, interest rate or currency protection agreements, equity, credit and other

derivative documents (on International Swap Dealers Association forms or otherwise), asset securitization and other receivables financing agreements, trust agreements or other indentures, collateral security documents (including but not limited to security agreements, financing statements, pledge agreements, assignments, mortgages or deeds of trust), and any supporting documents required by the terms of any of the foregoing agreements, documents or instruments; all in such form as may be requested by PNC and any of which may contain a warrant of attorney authorizing PNC to confess judgment against the Entity for all sums due or to become due by the Entity to PNC and/or a provision waiving the right to trial by jury; (g) to execute and deliver to or in favor of PNC any amendments, modifications, renewals or supplements of or to any of the foregoing agreements, documents or instruments; and (h) to take any other action requested, required or deemed advisable by PNC in order to effectuate the foregoing resolution, all such other actions being hereby approved, ratified and confirmed.

4.2 Multiple Requests; Transaction Administration. Resolved, that in connection with any extension of credit obtained by the persons authorized in Section 4.1 above, (a) any of the persons listed in Section 4.1 (or any other person *designated* in writing by the designated number of required signers from those listed in Section 4.1) shall be authorized to request multiple draws or advances under an extension of credit, and to perform all other actions and to execute all such documents on behalf of the Entity as are necessary for the administration of the transactions contemplated by the Resolutions, following the execution of the definitive closing documents (collectively, the "**Transaction Administration Actions**"), and (b) any person shall be authorized to take Transaction Administration Actions if they hold one of the following offices or positions with the Entity (or such other office or position as may hereafter be designated in writing by the designated number of required signers from those listed in Section 4.1):

NAME	TITLE
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43 Ratification. Resolved, that all past acts of officers or other persons acting on behalf of the Entity, as the case may be, in borrowing or obtaining credit from the Bank and in executing documents or otherwise entering into agreements and giving security on behalf of the Entity are hereby ratified and confirmed.

4.4 Telephonic and Other Requests. Resolved, that the Bank is authorized to take any action authorized hereunder based upon: (a) the telephonic or electronic request (including e-mail request) of any person purporting to be a person authorized to act hereunder, (b) the signature of any person authorized to act hereunder that is delivered to the Bank personally or by facsimile transmission, or (c) the telex originated by any of such persons, tested in accordance with such testing procedures as may be established between the Entity and the Bank from time to time.

45 Electronic Signatures and Records: Electronic Communication.

(a) Resolved, (i) that any agreements, documents and/or instruments delivered by the Entity in connection with any action authorized hereunder, and any other information, notice, signature card, agreement or authorization related thereto (each, a "**Transaction Document**") may, at the Bank's option, be in the form of an electronic record; and (ii) any Transaction Document may, at the Bank's option, be signed or executed using electronic signatures, which may include, without limitation, use or acceptance by the Bank of a manually signed paper Transaction Document which has been converted into electronic form (such as scanned into PDF format) for transmission, delivery and/or retention;

(b) Resolved that (i) the Bank may send communications to, and accept communications (including communications relating to Transaction Administration Actions) from, any person specified in Section 4.1 or Section 4.2 using the authorized email address(es) specified on Schedule A attached hereto, if any, or at such

other email address as may hereafter be specified from time to time in a notice provided to the Bank by any authorized representative of Entity, and (ii) the Bank may use the telephone number(s) specified on Schedule A hereto, if any, or at such other telephone number as may hereafter be specified from time to time in a notice provided to the Bank by any authorized representative of Entity, to contact the people listed in those sections to

resolve any questions regarding an email communication (including communications related to Transaction Administration Actions).

4.6 General. Resolved, that a certified copy of these Resolutions be delivered to the Bank and that they and the authority vested in the persons specified herein will remain in full force and effect until a certified copy of a resolution of the Entity revoking or modifying these resolutions and such authority has been delivered to the Bank, and the Bank has had a reasonable time to act thereon.

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5. Incumbency: Each of the above-named persons holds the office, title or status with the Entity specified in Section 4.1 and Section 4.2 above.

IN WITNESS WHEREOF, and intending to be legally bound hereby, the undersigned have hereunto set their hands as of the date first written above.

**HERTFORD COUNTY BOARD OF
COMMISSIONERS**

By: _____

Print Name: _____

Chairman

By: _____

Print Name: Clerk to the Board of
Commissioners

APPROVAL OF RESOLUTIONS FOR SOUTHERN BANK ACCOUNTS

Mrs. Sandy Pittman, Finance Director, presented the Resolutions for Southern Bank Accounts for Board Approval.

On a motion by Com. Lassiter and a second by Vice-Chair Horton, the Board voted unanimously to approve the Resolutions for Southern Bank Accounts.

PUBLIC INPUT

In the absence of Ms. Phyllis Edwards, citizen, her written public input was provided to the Board for consideration. After discussion, Board Chair Gatling advised Board Clerk Fleetwood to contact Ms. Edwards for her to present her public input in person before the Board.

COUNTY MANAGER'S COMMENTS

County Manager Williams presented the updated timeline for construction of the New Elementary School from the Hertford County Board of Education and the architect, with a current expectation that a bid will be in hand in time to go to the Local Government Commission in September.

COMMISSIONERS' COMMENTS

Commissioners' comments were given as follows:

Com Lassiter welcomed and thanked citizens for attending the Board meeting.

Com. Douglas thanked citizens for attending and reminded them that his focus during his campaign was education of our kids, Office of Aging and Economic Development and emphasized that was exactly what he will do.

Vice-Chair Horton referenced the time frame for a response to the recent audit report and reconciliation details to be provided to the Board. County Manager Williams advised she would provide updated information to the Board in Closed Session as a result of confidential personnel matters regarding Vice-Chair Horton's request.

Chair Gatling shared the following: guidance is being sought regarding citizen's concerns with roads and drainage issues; meeting with Mid East Commission and Economic consultants is being scheduled by the Commissioners' Office; Resolution will be prepared for Chief Brown's family from the Board.

Chair Gatling discussed the unavailability of Board members for the March 4, 2019, Regular Board Meeting and called for a motion to cancel the meeting. On a motion by Vice-Chair Horton and a second by Com. Douglas, the Board voted unanimously to cancel the March 4, 2019 Regular Board Meeting.

CLOSED SESSION

On a motion by Chair Gatling and second by Com. Lassiter, the Board voted unanimously to move to Closed Session.

Minutes of Closed Session are on file in the office of the Clerk to the Board.

On a motion by Vice-Chair Horton and second by Com. Lassiter the Board voted unanimously to return to Regular Session.

On a motion by Vice-Chair Horton and second by Com. Lassiter, the Board voted unanimously to approve the first reading of Sample Resolution #2: Resolution to Amend Personnel Policy Section 11.9 with the correction of may not serve to "*shall not serve*" as follows:

SAMPLE RESOLUTION # 2

Amend Section 11.9 of the Hertford County Personnel Policy by adding a third paragraph as follows:

"An immediate family member of a sitting County Commissioner may not serve in any position as an employee of Hertford County in any capacity, during the term of a sitting County Commissioner; provided however, this policy does not apply to any employee of Hertford County at the time of enactment of this policy, unless such employee leaves employment and then reapplies. This policy does apply to an individual who is employed by Hertford County, and whose immediate family member is then elected in the future as a County Commissioner; an employee whose immediate family member is elected would red to resign prior to the newly elected Commissioner taking office."

On a motion by Com. Lassiter and second by Vice-Chair Horton the Board voted unanimously to adjourn the meeting.