

Cleveland County Board of Commissioners
December 3, 2018

The Cleveland County Board of Commissioners met in a regular session on this date, at the hour of 10:00 a.m. in the Commission Chamber of the Cleveland County Administrative Offices.

PRESENT: Susan Allen, Vice-Chair
Johnny Hutchins, Commissioner
Ronnie Whetstine, Commissioner
Doug Bridges, Commissioner
Deb Hardin, Commissioner
Brian Epley, County Manager
Tim Moore, County Attorney
Phyllis Nowlen, Clerk to the Board
Kerri Melton, Assistant County Manager
Shane Fox, Chief Financial Officer
Elliot Engstrom, Senior Staff Attorney
Lorie Poston, E-911 Communications Director
Jason Falls, LeGrand Center Director
Betsy Harnage, Register of Deeds

CALL TO ORDER

Vice-Chair Allen called the meeting to order and Commissioner Hutchins provided the invocation and led the audience in the Pledge of Allegiance.

OATH OF OFFICE: SOIL AND WATER CONSERVATION

Magistrate Josh Bridges administered the oath to Sherrie Green for the office of Soil and Water Conservation District Supervisor.

OATH OF OFFICE: COMMISSIONERS

Magistrate Josh Bridges administered the oath to Doug Bridges for the office of Cleveland County Commissioner.

Magistrate Shonda Stanton administered the oath to Deb Hardin for the office of Cleveland County Commissioner.

Speaker of the House Tim Moore administered the oath to Ronnie Whetstine for the office of Cleveland County Commissioner.

SELECTION OF COMMISSION CHAIR

County Manager Brian Epley opened the floor to accept nominations for Commission Chair.

NOMINATIONS: Commissioner Whetstine made a motion to nominate Susan Allen for Chair (*Commissioner Hutchins seconded the motion*). ***Susan Allen was elected Chair by unanimous vote.***

SELECTION OF COMMISSION VICE-CHAIR

Chairwoman Allen opened the floor to accept nominations for Commission Vice-Chair.

NOMINATIONS: Commissioner Hutchins made a motion to nominate Ronnie Whetstine for Vice-Chair (*Commissioner Bridges seconded the motion*). ***Ronnie Whetstine was elected Vice-Chairman by unanimous vote.***

APPOINTMENT OF COUNTY ATTORNEY

Chairwoman Allen recognized County Manager Brian Epley to present the contract for County Attorney Tim Moore. At the Annual reorganizational Meeting, the Board will review the contract and appoint the County Attorney. The terms and conditions of the contract are in-line with the previous year's contracts.

ACTION: Commissioner Hutchins made a motion, seconded by Commissioner Bridges, and passed unanimously by the Board to, *appoint Tim Moore as the County Attorney and approve his contract for services.*

(copy found on Page ____ of Minute Book ____).

APPROVAL OF THE SHERIFF'S BOND

Chairwoman Allen again recognized County Manager Brian Epley to present the Sheriff's Bond. N.C.G.S. 162-9 requires counties to bond the Sheriff in re-election years. The bond is statutorily driven at \$10,000.

ACTION: Commissioner Whetstine made a motion, seconded by Commissioner Hutchins, and passed unanimously by the Board to, *approve the Sheriff's Bond.*

18 R 349

DEC - 4 2018

FILED

OATH OF OFFICE FOR SHERIFF 2018 DEC -4 A 9 21

CLEVELAND CO., C.S.C.

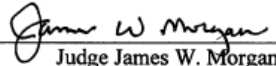
"I, Alan Norman, do solemnly swear (or affirm) that I will support and maintain the Constitution and laws of the United States, and the Constitution and laws of North Carolina not inconsistent therewith, and that I will faithfully discharge the duties of my office as Sheriff of Cleveland County, so help me, God."

"I, Alan Norman, do solemnly and sincerely swear (or affirm) that I will support the Constitution of the United States; that I will be faithful and bear true allegiance to the State of North Carolina, and to the constitutional powers and authorities which are or may be established for the government thereof; and that I will endeavor to support, maintain and defend the Constitution of said State, not inconsistent with the Constitution of the United States, to the best of my knowledge and ability; so help me, God."

I, Alan Norman, do solemnly swear (or affirm) that I will execute the Office of Sheriff of Cleveland County to the best of my knowledge and ability, agreeably to law; and that I will not take, accept or receive, directly or indirectly, any fee, gift, bribe, gratuity or reward whatsoever, for returning any man to serve as a juror or for making any false return on any process to me directed; so help me, God."

 SEAL

Sworn to and subscribed before me this the 3rd day of December, 2018.


Judge James W. Morgan
Superior Court Judge
27B District

18 R 350

DEC - 4 2018



FILED
PUBLIC OFFICIAL BOND

No. 32S597836

KNOW ALL MEN BY THESE PRESENTS: 2018 DEC -4 A 9 22
That we JAMES ALAN NORMAN

located at 100 Justice Place Shelby, NC 28150,
as Principal and The Ohio Casualty Insurance Company, a corporation organized and existing under the laws of the State of New Hampshire, (hereinafter called the Surety, are held and firmly bound unto CLEVELAND COUNTY located at PO Box 1210 Shelby, NC 28151 in the aggregate and non-cumulative penal sum of Ten Thousand Dollars And Zero Cents (\$10,000.00) DOLLARS, for the payment of which, well and truly to be made, we bind ourselves, our heirs, executors, administrators, successors and assigns, jointly and severally, firmly by these presents.

WHEREAS, the said Principal has been elected or appointed to (or holds by operation of law) the office of Sheriff of Cleveland County beginning on December 6, 2018 and ending on December 6, 2022.

NOW, THEREFORE, THE CONDITION OF THIS OBLIGATION IS SUCH that if the said Principal shall well, truly and faithfully perform all official duties required by law of such official during the term aforesaid, then this obligation shall be void; otherwise it shall remain in full force and effect, subject to the following conditions:

First: That the Surety may, if it shall so elect, cancel this bond by giving thirty (30) days notice in writing to CLEVELAND COUNTY located at PO Box 1210 Shelby, NC 28151 and this bond shall be deemed canceled at the expiration of said thirty (30) days, the Surety remaining liable, however, subject to all the terms, conditions and provisions of this bond, for any act or acts covered by this bond which may have been committed by the Principal up to the date of such cancellation; and the Surety shall, upon surrender of this bond and its release from all liability hereunder, refund the premium paid, less a pro rate part thereof for the time this bond shall have been in force.

Second: That the Surety shall not be liable hereunder for the loss of any public moneys or funds occurring through or resulting from the failure of, or default in payment by, any banks or depositories in which any public moneys or funds have been deposited, or may be deposited, or placed to the credit, or under the control of the Principal, whether or not such banks or depositories were or may be selected or designed by the Principal or by other persons; or by reason of the allowance to, or acceptance by the Principal of any interest on said public moneys or funds, any law, decision, ordinance or statute to the contrary notwithstanding.


Third: That the Surety shall not be liable for any loss or losses, resulting from the failure of the Principal to collect any taxes, licenses, levies, assessments, etc., with the collection of which he may be chargeable by reason of his election or appointment as aforesaid.

SIGNED, SEALED and DATED November 28, 2018.


JAMES ALAN NORMAN



The Ohio Casualty Insurance Company

By: 
DEBBIE H. DAVIS Attorney-in-Fact

OATH OF OFFICE

STATE OF North Carolina }
County of Cleveland } SS

I, JAMES ALAN NORMAN

, do solemnly swear (or affirm) that I will support, protect and defend the Constitution of The United States and the Constitution of the State of NC and that I will discharge the duties of my office of Sheriff of Cleveland County with fidelity; that I have not paid or contributed, or promised to pay or contribute, either directly or indirectly, any money or other valuable thing to procure my nomination or election (or appointment), except for necessary and proper expenses expressly authorized by law; that I have not knowingly violated any election law of this State, or procured it to be done by others in my behalf; that I will not knowingly receive, directly or indirectly, any money or other valuable thing for the performance or non-performance of any act or duty pertaining to my office than the compensation allowed by law. So help me God.

Jill F. Cantrell Exp 6/13/22

Sworn to and subscribed before me this 11/30/18



ADJOURN

There being no further business to come before the Board at this time, Commissioner Hutchins made the motion, seconded by Commissioner Bridges, and unanimously adopted by the Board, *to adjourn the meeting*. The next meeting of the Commission is scheduled for *Tuesday, December 4, 2018 at 6:00 p.m. in the Commissioners Chamber.*

*Phyllis Nowlen, Clerk to the Board
Cleveland County Board of Commissioners*

This Power of Attorney limits the acts of those named herein, and they have no authority to bind the Company except in the manner and to the extent herein stated.

The Ohio Casualty Insurance Company
POWER OF ATTORNEY

Surety Bond Number 325597836 Principal: JAMES ALAN NORMAN

Bond Amount: (\$10,000.00) Ten Thousand Dollars And Zero Cents

KNOW ALL PERSONS BY THESE PRESENTS, that The Ohio Casualty Insurance Company, a corporation duly organized under the laws of the State of New Hampshire (herein collectively called the "Company"), pursuant to and by authority herein set forth, does hereby name, constitute and appoint, DEBBIE H. DAVIS

all in the city of Charlotte, state of NC, each individually if there be more than one named, its true and lawful attorney-in-fact to make, execute, seal, acknowledge and deliver, for and on its behalf as surety and as its act and deed, any and all undertakings, bonds, recognizances and other surety obligations, in pursuance of these presents and shall be as binding upon the Companies as if they have been duly signed by the president and attested by the secretary of the Company in their own proper persons.

IN WITNESS WHEREOF, this Power of Attorney has been subscribed by an authorized officer or official of the Company and the corporate seal of the Company has been affixed thereto this 26th day of September, 2016.



The Ohio Casualty Insurance Company

By: David M. Carey
David M. Carey, Assistant Secretary

STATE OF PENNSYLVANIA, ss
COUNTY OF MONTGOMERY

On this 26th day of September, 2016, before me personally appeared David M. Carey, who acknowledged himself to be the Assistant Secretary of The Ohio Casualty Insurance Company and that he, as such, being authorized so to do, execute the foregoing instrument for the purposes therein contained by signing on behalf of the corporations by himself as duly authorized officer.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my notarial seal at King of Prussia, Pennsylvania, on the day and year first above written.



COMMONWEALTH OF PENNSYLVANIA
Notary Seal
Teresa Pastella, Notary Public
Upper Merion Twp., Montgomery County
My Commission Expires March 28, 2021
Member, Pennsylvania Association of Notaries

By: Teresa Pastella
Teresa Pastella, Notary Public

This Power of Attorney is made and executed pursuant to and by authority of the following By-law and Authorizations of The Ohio Casualty Insurance Company, which is now in full force and effect reading as follows:

ARTICLE IV - OFFICERS - Section 12. Power of Attorney. Any officer or other official of the Corporation authorized for that purpose in writing by the Chairman or the President, and subject to such limitation as the Chairman or the President may prescribe, shall appoint such attorneys-in-fact, as may be necessary to act in behalf of the Corporation to make, execute, seal, acknowledge and deliver as surety any and all undertakings, bonds, recognizances and other surety obligations. Such attorneys-in-fact, subject to the limitations set forth in their respective powers of attorney, shall have full power to bind the Corporation by their signature and executed, such instruments shall be as binding as if signed by the President and attested to by the Secretary. Any power or authority granted to any representative or attorney-in-fact under the provisions of this article may be revoked at any time by the Board, the Chairman, the President or by the officer or officers granting such power or authority.

Certificate of Designation - The President of the Company, acting pursuant to the Bylaws of the Company, authorizes David M. Carey, Assistant Secretary to appoint such attorneys-in-fact as may be necessary to act on behalf of the Company to make, execute, seal, acknowledge and deliver as surety any and all undertakings, bonds, recognizances and other surety obligations.

Authorization - By unanimous consent of the Company's Board of Directors, the Company consents that facsimile or mechanically reproduced signature of any assistant secretary of the Company, wherever appearing upon a certified copy of any power of attorney issued by the Company in connection with surety bonds, shall be valid and binding upon the Company with the same force and effect as though manually affixed.

I, Renee C. Llewellyn, the undersigned, Assistant Secretary, of The Ohio Casualty Insurance Company do hereby certify that the original power of attorney of which the foregoing is a full, true and correct copy of the Power of Attorney executed by said Company, is in full force and effect and has not been revoked.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seals of said Company this 28th day of November, 2018.



By: Renee C. Llewellyn
Renee C. Llewellyn, Assistant Secretary

*Susan Allen, Chairwoman
Cleveland County Board of Commissioners*