

**Minutes of the 6 December 2010
Special Meeting of the Yancey County Board of Commissioners
Held at 11:00 o'clock a.m. in the Commissioners Meeting Room
Yancey County Courthouse, Burnsville, North Carolina**

Present at the 6 December 2010 meeting of the Yancey County Board of Commissioners were Commissioner Johnny Riddle, Commissioner Jill Austin, Commissioner Dale England, Commissioner Michele Presnell, Commissioner Marvin Holland, County Manager Nathan Bennett, Clerk to the Board Jason Robinson, County Attorney Donny Laws, Sheriff Gary Banks (joined later in the meeting), Finance Director Lynne Hensley, and members of the general public.

Call to Order and Approval of Agenda

County Attorney Donny Laws called the meeting to order and asked the Board to approve the agenda. Commissioner Riddle made a motion to approve the agenda and it was seconded by Commissioner England. The motion to approve was unanimous. (Attachment A)

Nomination and Election of Chairperson of the Board of Commissioners

County Attorney Laws next opened up the floor for nominations for chairperson of the Yancey County Board of Commissioners. Commissioner Austin nominated Commissioner Johnny Riddle to be the Chairman of the Board of Commissioners. Commissioner England seconded the nomination. Commissioner Riddle then made a motion to close nominations and the motion was seconded by Commissioner England. The vote to close nominations was unanimous. The vote for chairman was then held and was unanimous to elect Commissioner Johnny Riddle as chairman. The presiding of the meeting was then handed to Chairman Riddle.

Nomination and Election of Vice-Chairperson of the Board of Commissioners

Chairman Riddle then opened the floor for nomination of vice-chairperson of the Board of Commissioners. Commissioner England nominated Commissioner Austin for vice-chairperson. That motion was seconded by Chairman Riddle. Commissioner Presnell then nominated Commissioner Holland. That nomination was seconded by Commissioner Holland. Commissioner Holland then made a motion to close the nominations. That motion was seconded by Commissioner England. The vote to close nominations was unanimous. The vote for vice-chairperson was then held. Chairman Riddle, Commissioner Austin, and Commissioner England voted for Commissioner Austin. Commissioners Presnell and Holland voted for Commissioner Holland. Commissioner Austin won the vice-chairperson vote 3-2.

Review and Approval of the Yancey County Sheriff's Bond

The Board next moved to the issue of the Yancey County Sheriff's Bond. Sheriff Gary Banks informed the Board that according to NCGS 162-8 the sheriff's bond must be set by the county commissioners and it is not to exceed \$25,000. County Attorney Laws stated that he had reviewed the bond and he recommended approving it. Upon hearing from Sheriff Banks Commissioner Presnell made a motion to approve the sheriff's bond at \$25,000. The motion was seconded by Commissioner Holland and the vote to approve was unanimous. (Attachment B)

Appointment of Commission Members to vacant civic board/committee positions

The Board next heard from County Manager Nathan Bennett who stated that there were numerous civic and community boards and committees that have vacancies that need to have commissioners appointed to them. The first of these was the High Country Council of Governments Executive Committee. County Manager Bennett stated that the bylaws of the High Country Council of Governments stated that the chairman had to be on this board. Chairman Riddle stated that he would be available to be on this board. The next position that needed to be filled was as the North Carolina Association of County Commissioners Delegate. County Manager Bennett stated that the chairman is usually the delegate. Commissioner Holland then made a motion to appoint Chairman Riddle as the delegate. The motion was seconded by Commissioner Austin and the vote to appoint was unanimous. County Manager Bennett also informed the Board that Graham Children's Health Services Board of Directors has asked for two commissioners to be on that board. Commissioner Austin stated that she was already on that board and would be willing to serve. Chairman Riddle then nominated Commissioner Austin to serve on the Graham Children's Board. The motion was seconded by Commissioner England. The vote to appoint Commissioner Austin was unanimous. Commissioner England then nominated Commissioner Holland to serve on the Graham Children's Board. The motion was seconded by Chairman Riddle and the vote to appoint Commissioner Holland was unanimous.

Chairman Riddle then moved to the appointment on the Yancey County Economic Development Commission and opened the floor to nominations. Commissioner Austin nominated Commissioner England and the nomination was seconded by Chairman Riddle. Commissioner Presnell nominated Commissioner Holland and the nomination was seconded by Commissioner Holland. Commissioner Holland then explained his qualifications for being on the Economic Development Commission. He stated that he had experience as Mayor of Burnsville and a former member of the Economic Development Commission. Commissioner England stated that he was very interested in economic development and had been asked if he would be on the commission by several members of that commission. Commissioner England then made a motion for discussion to stop and to close nominations. Chairman Riddle seconded the motion and the vote to close nominations and stop discussion was unanimous. The vote was then taken for the member of the Yancey County Economic Development Commission. Commissioner England received three votes and Commissioner Holland received two votes. Commissioner England was therefore chosen by the Board as its representative on the Economic Development Commission. The Board then moved to the Yancey Committee on Aging Board of Directors. Chairman Riddle opened up the floor for nominations. Commissioner Austin nominated Commissioner Presnell and it was seconded by Commissioner England. Commissioner Holland then moved to close nominations and Commissioner Austin seconded the motion. The vote to close nominations was unanimous as was the vote for Commissioner Presnell for the Committee on Aging appointment.

Establishment of Regular Meeting Schedule

County Manager informed the Board that as of now the regular monthly meeting is held on the first Tuesday of each month at 7:00 pm. Chairman Riddle made a motion to keep the regular monthly meeting at the same day and time each month. The motion was seconded by Commissioner England and the vote to approve was unanimous.

Commissioner Comments

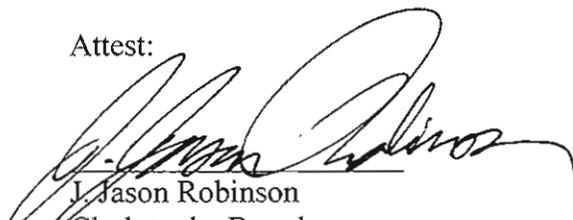
Commissioner Holland commented that he hoped that the 3 to 2 votes was not going to be pervasive throughout the next two years and that politics should be left at the polls. Chairman Riddle stated that if the shoe had been on the other foot that the vote would have been 3 to 2 the other way. Commissioner England stated that the EDC has nothing to do with politics. Commissioner Presnell stated that she was "tickled to death" to be on the Committee on Aging to try and get something done for the senior center.

Adjournment

Having no further business Commissioner Holland made a motion to adjourn and it was seconded by Chairman Riddle. The vote to adjourn was unanimous.

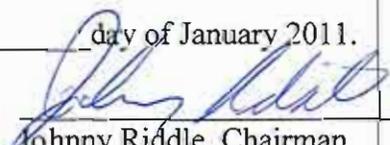
Approved and authenticated on this the _____ 4th _____ day of January 2011.

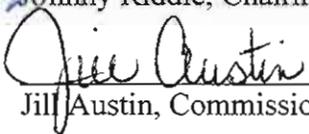
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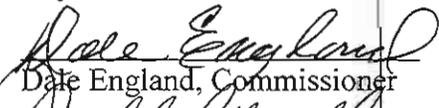

Jason Robinson
Clerk to the Board

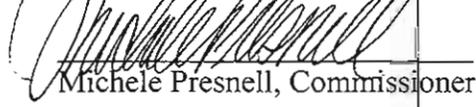
(county seal)




Johnny Riddle, Chairman


Jill Austin, Commissioner


Dale England, Commissioner


Michele Presnell, Commissioner


Marvin Holland, Commissioner



Attachment A

YANCEY COUNTY

110 Town Square, Room 11 • Burnsville, North Carolina 28714
PHONE: (828) 682-3971 • FAX: (828) 682-4301

Nathan Bennett, *County Manager*

Walter Savage, *Chairman*

Jerri Storie, *Commissioner*

Johnny Riddle, *Commissioner*

AGENDA
YANCEY COUNTY BOARD OF COMMISSIONERS
ORGANIZATIONAL MEETING
December 6, 2010
11:00 A.M.

- I. Call to Order by County Attorney, Donny Laws
- II. Approval of the Agenda
- III. Nomination and Election of Chairperson of the Board of Commissioners
- IV. Presiding Chair Passed to Elected Chairperson
- V. Nomination and Election of Vice-Chairperson of the Board of Commissioners
- VI. Review and Approval of the Yancey County Sheriff's Bond pursuant to N.C. General Statute 162-8
- VII. Appointment of Commission Members to vacant civic board/committee positions
 - a. High Country Council of Governments (Region D) Executive Committee
 - b. N.C. Association of County Commissioners Delegate
 - c. Graham Children's Health Services Board of Directors
 - d. Yancey County Economic Development Commission Board of Directors
 - e. Yancey Committee on Aging Board of Directors
- VIII. Establishment of Regular Meeting Schedule
- IX. Adjourn

Attachment B



RLI Insurance Company
P.O. Box 3967 Peoria IL 61612-3967
Phone: (309)692-1000 Fax: (309)683-1610

POWER OF ATTORNEY
RLI Insurance Company

Bond No. LSM0253189

Know All Men by These Presents:

That the RLI Insurance Company, a corporation organized and existing under the laws of the State of Illinois, and authorized and licensed to do business in all states and the District of Columbia does hereby make, constitute and appoint: Bobby J. Greene in the City of Burnsville, State of North Carolina, as Attorney In Fact, with full power and authority hereby conferred upon him/her to sign, execute, acknowledge and deliver for and on its behalf as Surety, in general, any and all bonds, undertakings, and recognizances in an amount not to exceed Seven Million Five Hundred Thousand and 00/100 Dollars (\$ 7,500,000.00) for any single obligation, and specifically for the following described bond.

Principal: Donald Gary Banks
Obligee: County of Yancey
Type Bond: Sheriff of Yancey county
Bond Amount: \$ 25,000.00
Effective Date: December 6, 2010

The RLI Insurance Company further certifies that the following is a true and exact copy of a Resolution adopted by the Board of Directors of RLI Insurance Company, and now in force to-wit:

"All bonds, policies, undertakings, Powers of Attorney or other obligations of the corporation shall be executed in the corporate name of the Company by the President, Secretary, any Assistant Secretary, Treasurer, or any Vice President, or by such other officers as the Board of Directors may authorize. The President, any Vice President, Secretary, any Assistant Secretary, or the Treasurer may appoint Attorneys in Fact or Agents who shall have authority to issue bonds, policies or undertakings in the name of the Company. The corporate seal is not necessary for the validity of any bonds, policies, undertakings, Powers of Attorney or other obligations of the corporation. The signature of any such officer and the corporate seal may be printed by facsimile."

IN WITNESS WHEREOF, the RLI Insurance Company has caused these presents to be executed by its Vice President with its corporate seal affixed this 24th day of November, 2010.

ATTEST:

Cynthia S. Dohm
Cynthia S. Dohm
Assistant Secretary



Roy C. Die
Roi C. Die
Vice President

On this 24th day of November, 2010 before me, a Notary Public, personally appeared Roy C. Die and Cynthia S. Dohm, who being by me duly sworn, acknowledged that they signed the above Power of Attorney as Vice President and Assistant Secretary, respectively, of the said RLI Insurance Company, and acknowledged said instrument to be the voluntary act and deed of said corporation.

Cherie L. Montgomery
Cherie L. Montgomery
Notary Public





RLI Insurance Company
 P.O. Box 3967 Peoria IL 61612-3967
 Phone: (309)692-1000 Fax: (309)683-1610

Official Bond And Oath

Bond No. LSM0253189

KNOW ALL MEN BY THESE PRESENTS:

That we, Donald Gary Banks,
 as Principal, and RLI Insurance Company, a corporation duly
 licensed to do business in the State of North Carolina, as Surety, are held and firmly bound unto
 the County of Yancey in the penal sum of
Twenty Five Thousand and 00/100 DOLLARS
 (\$ 25,000.00), to the payment of which sum, well and truly to be made, we jointly and severally bind ourselves
 and our legal representatives firmly by these presents.

DATED this 24th day of November, 2010.

THE CONDITION OF THIS OBLIGATION IS SUCH, That whereas, the said Principal was duly elected appointed
 to the office of Sheriff of Yancey county in the State of
North Carolina for the term commencing on the 6th day of December, 2010 and ending on
December 6, 2014.

NOW THEREFORE, if the said Principal shall faithfully perform the duties of his said office, then this obligation shall be
 void and of no effect.

This bond is executed by the Surety upon the following express conditions:

FIRST, 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 designated by the Principal or by other persons; or by reason of the allowance to, or
 acceptance by the Principal or any interest on said public moneys or funds, any law, decision, ordinances, or statute to the
 contrary not withstanding.

SECOND, 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 collections or which he may be chargeable by reason of his election or
 appointment as aforesaid.

THIRD, that the Surety may, if it shall so elect, cancel this bond by giving thirty (30) days notice in writing to the Obligee
 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.



Donald Gary Banks

 Principal

RLI Insurance Company

 Bobby J. Greene Attorney In Fact

APPROVAL:

I have inspected the above Bond and do hereby certify
 that the same is sufficient.

Michelle Riddle
 Approving Officer
CSR
 Title

OATH OF OFFICE

THE STATE OF North Carolina }
County of Yancey } SS

Donald Gary Banks, being duly sworn, says that he will support the Constitution of the United States and the Constitution of the State of North Carolina, and that he will faithfully discharge the duties of his said office as Sheriff of Yancey county

Subscribed and sworn to before me this 6th day of December, 2010

My Commission Expires December 1, 2014

[Signature]
Notary Public
Clerk of Superior Court

ACKNOWLEDGEMENT OF SURETY

STATE OF North Carolina }
COUNTY OF Yancey } SS

On this 24th day of November, 2010, before me, a Notary Public in and for said County, personally appeared Bobby J. Greene, personally known to me, who being by me duly sworn, did say that he/she is the aforesaid Attorney In Fact of the RLI Insurance Company of Peoria, Illinois, a corporation duly organized and existing under the laws of the State of Illinois, that the seal affixed to the foregoing instrument is the corporate seal of said corporation, that the said instrument was signed, sealed and executed in behalf of said corporation by authority of its Board of Directors, and further acknowledge that the said instrument and the execution thereof to be a voluntary act and deed of said corporation.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed by official seal the day and year last above written.

[Signature: Desiree R. Huskins]
Notary Public

My Commission Expires Nov. 8, 2014