

RESOLUTION OF THE CHARLOTTE CITY COUNCIL ESTABLISHING ITS POLICIES AND PROCEDURE FOR PUBLIC NOTIFICATION, NOMINATION, AND APPOINTMENT OF PERSONS TO BOARDS, COMMITTEES, AND COMMISSIONS, AND STATING CITY POLICIES FOR CONSECUTIVE TERMS, OATHS OF OFFICE, RESIDENCY, AND ATTENDANCE, AND FOR THE SUBMITTAL OF ANNUAL REVIEW REPORTS OF BOARDS AND COMMISSIONS.

WHEREAS, the City Council of the City of Charlotte, NC, has reviewed its policies and process for public notification of vacancies, nominating, and appointing volunteer citizens to boards, committees, and commissions, and

WHEREAS, the City Council has reviewed City policies regarding, consecutive terms, residency, attendance, and review reports of boards, committees, and commissions;

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Charlotte that it hereby establishes the following policies and procedures for public notification, nomination, and appointment of persons to boards, committees and commissions, and states the City's policies regarding consecutive terms, residency, attendance, and submittal of reports by boards, committees, and commissions as follows:

Section 1. PROCESS FOR PUBLIC NOTIFICATION, NOMINATIONS AND APPOINTMENTS

Appointments to boards, committees, and commissions shall be made monthly. City Council may nominate one person for appointment to each of the positions to be filled by Council. After nominations are closed, no further nominations may be made. If a person receives at least six nominations, the appointment may be made upon a motion, second and voice vote of Council at the same meeting at which the nomination is made. Only applicants receiving two or more nominations shall be brought forward for consideration during appointments.

At least four weeks prior to nominations, the City shall publicize vacancies to be filled by appointment of the Council as follows: (i) the City Clerk will provide the Council with a list of upcoming vacancies; and (ii) the City Clerk shall provide such information to the public through the City's website, the GOV Channel, social media and other opportunities.

Any vacancies created by resignation or automatic removal shall be included with the next group of monthly nominations. Terms expiring during any month shall remain filled by the person then holding the position until a successor is appointed and qualified.

By nominating a person who has not submitted an application for the subject board, committee, or commission, the nominating Council Member certifies that the person has indicated an interest in serving and that the nominee will submit an application with the City Clerk's Office by noon the day before the appropriate Council agenda for appointment is delivered to Council. If such application is not made, the nomination will be deemed to have been withdrawn. The City Clerk's Office will notify the nominee of the actual deadline for submitting the application the day following the nomination.

At the next business meeting after the close of nominations, the Council shall vote on the nominees for the positions to be filled. The appointments shall be determined by written ballot. A ballot containing the names and districts of nominees shall be distributed to each Council Member. Each Council Member shall vote for a nominee, sign the ballot and return it to the City Clerk at the beginning of the dinner briefing. The City Clerk shall tally and announce the votes and the results.

In accordance with the City Charter, no nominee shall be deemed appointed unless he or she receives at least six votes. At the dais, Council shall be provided with a hard copy of the voting results and any run-offs required. If no nominee receives at least six votes on the first ballot, a second ballot (or vote) shall be cast. Only the top two vote getters shall be candidates on the second ballot. If as a result of the first ballot a tie vote situation produced more than two top vote getters, (i.e., 3-3-3-2; 5-3-3; 4-2-2-2-1), the Council shall cast ballots (or vote) on the top candidates to narrow the field of candidates to two. Then a third ballot (or vote) shall be cast on the top two vote getters. If no nominee receives at least six votes after the third ballot, all nominations shall lay on the table until the next regular meeting, at which time balloting shall be done in accordance with this paragraph.

Criminal background checks are required for nominees of the following boards:

Charlotte Regional Visitors Authority	Domestic Violence Advisory Board
Civil Service Board	Charlotte Housing Authority
Housing Appeals Board	Citizens' Review Board
Passenger Vehicle for Hire	Zoning Board of Adjustment

A nominee to the Citizens Review Board who has a felony or Class A1 misdemeanor conviction or a Class 1 or Class 2 misdemeanor conviction within three years of the date of nomination shall not be eligible to serve. Appointments to the other listed boards may be denied for those persons convicted of crimes against a person, or crimes against property where intent is an element, or any offense involving drugs, alcohol, or gambling. Other crimes may also be considered by the Council in making appointments.

Current and former City employees, and the spouse, parents, and children of a current or former CMPD officer shall not be eligible to serve on the Citizens Review Board.

Current and former City employees, and the spouse, parents, and children of a current or former CMPD officer or CFD firefighter shall not be eligible to serve on the Civil Service Board.

Any departure or deviation from the above process shall not affect the validity of an otherwise valid Council appointment.

Section 2. CONSECUTIVE TERMS/MULTIPLE BOARDS

No member of any board, committee, or commission may serve more than two full consecutive terms. After serving two full consecutive terms, a person must be off that board, committee, or commission for one full term before being eligible for appointment to the same body. An exception to this rule may be made on a case by case basis (i.e., a need for continuity or experience).

An individual may not serve on more than two boards, committees, or commissions at one time.

Section 3. **OATHS OF OFFICE/ORIENTATION**

For a board, committee, or commission requiring an oath of office, a new member may not vote on any matter until the oath of office has been administered. Reappointed members shall also be administered the oath of office.

Staff advisors shall conduct an orientation session for new members with the chair in attendance prior to or at the first regular meeting after appointment. Expectations shall be given concerning attendance, conflicts of interest, information on City Government, etc.

Section 4. **RESIDENCY REQUIREMENTS**

A member of any board, committee or commission must at all times be registered to vote in Mecklenburg County.

Exceptions to the above statement may exist for some boards for purposes of regional membership (i.e. the Airport Advisory Committee). Any exceptions will be handled on a case by case basis.

Section 5. **ATTENDANCE POLICY**

In order for a board, committee, or commission to be effective and efficient, and to accomplish its purpose, its membership must be actively involved and attendant to the business of the body. Therefore, all members are required to attend at least 65% of the regular and special meetings of the body and assigned committees and subcommittees held in any one calendar year with **NO EXCUSED ABSENCES**. On January 1 of each year, a member of any board, commission, or committees appointed by the Mayor, Council or City Manager shall be automatically removed from said body for failure to attend at least 65% of all regular and special meetings of the body and assigned committees and subcommittees held during the immediately preceding calendar year. For persons not serving for an entire calendar year, the 65% attendance requirement shall apply to meetings held during the portion of the year during which the person served. In order to be eligible for reappointment to a board, committee, or commission, a member must have attended at least 75% of the regular and special meetings of the body and assigned committees and subcommittees during the concluding term, or portion of the term during which the member served. In addition, any member of a board, commission or committee shall be automatically removed from said body for failure to attend any **THREE CONSECUTIVE REGULAR MEETINGS** of the body. A member must attend fifty percent (50%) of a meeting in order to be considered in attendance for the purposes of this policy. Members appointed in the fourth quarter of the year shall be exempt from the 65% attendance rule for that calendar year only, but are still subject to the three consecutive meeting policy.

The City Clerk shall send a letter to anyone who is removed from a board, committee, or commission for failure to meet the attendance policy. Vacancies resulting from the removal of a member shall be filled by the same method as provided for initial appointments.

The City Clerk shall send a letter to any member who is in danger of violation of the attendance requirement, asking them to be mindful of said requirement.

Staff advisors shall file attendance reports with the City Clerk pursuant to the schedule established by the City Clerk.

This attendance policy shall apply to every member of a board, committee, or commission that is part of the City of Charlotte regardless of who appoints the member. In addition, this attendance policy shall apply to all appointees by the City Council to a board, committee, or commission that is not part of the City of Charlotte.

Section 6. **REPORTS OF BOARDS, COMMITTEES, AND COMMISSIONS**

The City Council finds it appropriate to periodically review each standing board, committee, and commission to which they make appointments for the purpose of assessing whether said board, committee, or commission should be renewed, dismantled, expanded or its charge redefined. To this end, each board, committee, and commission that is part of the City, or that was established by the City Council, whether acting alone or in conjunction with one or more other local governments, is required to submit annual written reports that must contain in depth reviews of the body's activities including goals, objectives, successes, problems, and/or the need for City Council assistance. These reports shall be submitted to the City Clerk and will be staggered through the year according to a schedule established by the City Clerk. The City Clerk shall then provide the Mayor and City Council with copies of the reports and refer the reports to the appropriate Council Committee for the Committee's information.

Boards, committees, and commissions that are not part of the City shall submit reports in accordance with the reporting requirements set forth in their contract, if any, with the City.

In addition to required written reports, the City Council may request on a case-by-case basis that an oral report be made to the Council.

Section 7. **CONFLICT OF INTEREST**

Council's January 24, 1983 Conflict of Interest Resolution established for boards, commissions, and committees shall continue as it is in its entirety.

Section 8. **REPEALER**

All prior resolutions of the City Council establishing procedures for the public notification, nomination, and appointment of persons to boards, committees, and commissions, and setting forth the City's policies for consecutive terms, oaths of office, residency, attendance, and review reports are, except to the extent that they are supplementary to and consistent herewith, repealed. This repeal includes, but is not limited to, resolutions recorded at Resolution Book 34, Pages 578-582, Resolution Book 36, Page 148, Resolution Book 38, Page 277, and Resolution Book 47, Pages 585-589.

CERTIFICATION

I, Stephanie C. Kelly, City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of a Resolution adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 23rd day of October, 2017, the reference having been made in Minute Book 143 and recorded in full in Resolution Book 48, Page(s) 489-493.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this 23rd day of October, 2017.


Stephanie C. Kelly, City Clerk, MMC, NCCMC



RESOLUTION PROVIDING APPROVAL OF A MULTIFAMILY HOUSING FACILITY KNOWN AS GRANITE POINTE APARTMENTS IN THE CITY OF CHARLOTTE, NORTH CAROLINA AND THE FINANCING THEREOF WITH MULTIFAMILY HOUSING REVENUE BONDS IN AN AGGREGATE AMOUNT NOT TO EXCEED \$23,000,000

WHEREAS, the City Council of the City of Charlotte (the "City") met in Charlotte, North Carolina at [7:00] p.m. on the [23rd] day of October, 2017; and

WHEREAS, the Housing Authority of the City of Charlotte, N.C. (the "Issuer") has tentatively agreed to issue its multifamily housing revenue bonds in an amount not to exceed \$23,000,000 (the "Bonds"), for the purpose of financing the acquisition, construction and equipping by Pedcor Investments-2016-CLVII, L.P., an Indiana limited partnership (the "Borrower"), or an affiliate or subsidiary thereof, of a multifamily residential rental facility to be known as Granite Pointe Apartments (the "Development"); and

WHEREAS, the Development will consist of approximately 198 units, located in 11 buildings on an approximately 16.39 acre site at 9101 Nations Ford Road and 9111 Nations Ford Road in the City of Charlotte, Mecklenburg County, North Carolina; and

WHEREAS, Section 147(f) of the Internal Revenue Code of 1986, as amended (the "Code"), requires that any bonds issued by the Issuer for the Development may only be issued after approval of the plan of financing by the City following a public hearing with respect to such plan; and

WHEREAS, on August 24, 2017, the Issuer held a public hearing with respect to the issuance of the Bonds to finance, in part, the Development (as evidenced by the Certificate and Summary of Public Hearing attached hereto) and has requested the City to approve the issuance of the Bonds as required by the Code; and

WHEREAS, the City has determined that approval of the issuance of the Bonds is solely to satisfy the requirement of Section 147(f) of the Code and shall in no event constitute an endorsement of the Bonds or the Development or the creditworthiness of the Borrower, nor shall such approval in any event be construed to obligate the City of Charlotte, North Carolina for the payment of the principal of or premium or interest on the Bonds or for the performance of any pledge, mortgage or obligation or agreement of any kind whatsoever which may be undertaken by the Issuer, or to constitute the Bonds or any of the agreements or obligations of the Issuer an indebtedness of the City of Charlotte, North Carolina, within the meaning of any constitutional or statutory provision whatsoever;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CHARLOTTE:

1. The proposed mixed income housing development consisting of the acquisition, construction and equipping of the Development described above in the City of Charlotte, Mecklenburg County, North Carolina by the Borrower and the issuance of the Authority's multifamily housing revenue bonds therefor in an amount not to exceed \$23,000,000 are hereby approved for purposes of Section 147(f) of the Code. The Mayor is hereby authorized to execute

such approval certificates as may be required to evidence the City's approval of the issuance of the Bonds for purposes of Section 147(f) of the Code.

2. This resolution shall take effect immediately upon its passage.

Council member Eiselt moved the passage of the foregoing resolution and Council member Smith seconded the motion, and the resolution was passed by the following vote:

Ayes: Council members Ajmera, Driggs, Eiselt, Fallon, Ivory, Kinsey, lyles, Mitchell, Phipps, Smith

Nays: Mayfield

Not voting: N/A

CERTIFICATION

I, Stephanie C. Kelly, City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of a Resolution adopted by the City Council for the City of Charlotte, North Carolina, in regular session convened on October 23rd 2017 the reference having been in Minute Book 143, and recorded in full in Resolution Book 48, Pages 494-498.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 23rd day of October, 2017.

(SEAL)



Stephanie C. Kelly
Stephanie C. Kelly, City Clerk, MMC, NCCMC

RESOLUTION

AUTHORIZE THE CEO TO PROVIDE PRELIMINARY APPROVAL TO ISSUE REVENUE BONDS TO FINANCE THE ACQUISITION, CONSTRUCTION AND EQUIPPING OF AN AFFORDABLE HOUSING DEVELOPMENT (GRANITE POINTE APARTMENTS)

WHEREAS, Pedcor Investments, A Limited Liability Company, a Wyoming limited liability company, or an affiliated or related entity (the "Borrower"), has requested that the Housing Authority of the City of Charlotte, N.C. (the "Authority") assist in financing the acquisition, construction and equipping of a 198-unit multifamily housing development to be known as Granite Pointe Apartments, located at 9101 Nations Ford Road in Charlotte, North Carolina (the "Development"); and

WHEREAS, the Borrower has described to the Authority the benefits of the Development to the City of Charlotte and the State of North Carolina and has requested the Authority to agree to issue its revenue bonds in such amounts as may be necessary to finance the costs of acquiring, constructing and equipping the Development; and

WHEREAS, the Authority is of the opinion that the Development is a facility which can be financed under the Act and that the financing of the same will be in furtherance of the purposes of the Act;

Now Therefore BE IT RESOLVED BY THE HOUSING AUTHORITY OF THE CITY OF CHARLOTTE, N.C.:

1. It is hereby found and determined that the Development will involve the acquisition, construction and equipping of a housing facility to serve persons of low and moderate income, and that therefore, pursuant to the terms and subject to the conditions hereinafter stated and the Act, the Authority agrees to assist the Borrower in every reasonable way to issue bonds to finance the acquisition, construction and equipping of the Development, and, in particular, to undertake the issuance of the Authority's revenue bonds (the "Bonds") in one or more series in an aggregate amount now estimated not to exceed Twenty-Three Million Dollars (\$23,000,000) to provide all or part of the cost of the Development.

2. The Authority intends that the adoption of this resolution be considered as "official action" toward the issuance of the Bonds within the meaning of Treasury Regulations Section 1.150-2 promulgated by Internal Revenue Service pursuant to the Internal Revenue Code of 1986, as amended (the "Code").

3. The Bonds shall be issued in such series and amounts and upon such terms and conditions as are mutually agreed upon among the Authority and the Borrower. The Authority and the Borrower shall enter into a "financing agreement" pursuant to the Act for a term and upon payments sufficient to pay the principal of, premium, if any, and interest on the Bonds and to pay all of the expenses of the Authority in connection with the Bonds and the Development. The Bonds will be issued pursuant to an indenture or other agreement between the Authority and a trustee (the "Trustee") or the bondholder which will set forth the form and terms of the Bonds and

will assign to the Trustee for the benefit of the holders of the Bonds, or directly to the bondholder, the Authority's rights to payments under the financing agreement. The Bonds shall not be deemed to constitute a debt or a pledge of the faith and credit of the State of North Carolina or any political subdivision or agency thereof, including the Authority and the City of Charlotte, but shall be payable solely from the revenues and other funds provided under the proposed agreements with the Borrower.

4. The Authority will proceed, upon the prior advice, consent and approval of the Borrower, bond counsel and the Authority's counsel, to obtain approvals in connection with the issuance and sale of the Bonds, including, without limitation, from the City of Charlotte and the North Carolina Local Government Commission.

5. It having been represented to the Authority that it is desirable to proceed with the acquisition, construction and equipping of the Development, the Authority agrees that the Borrower may proceed with plans for such acquisition, construction and equipping, enter into contracts for the same, and take such other steps as it may deem appropriate in connection therewith, provided that nothing herein shall be deemed to authorize the Borrower to obligate the Authority without its written consent in each instance to the payment of any monies or the performance of any act in connection with the Development and no such consent shall be implied from the Authority's adoption of this resolution. The Authority agrees that the Borrower may be reimbursed from the proceeds of the Bonds for all qualifying costs so incurred by it as permitted by Internal Revenue Service Regulations Section 1.150-2.

6. All obligations hereunder of the Authority are subject to the further agreement of the Authority and the Borrower, to satisfactory review by the Authority of the financial capability of the Borrower and satisfactory underwriting of the Development, and mutual agreement to the terms for the Bonds, including the execution of a financing agreement, indenture, or security agreement and other documents and agreements necessary or desirable for the issuance, sale and delivery of the Bonds. The Authority has not authorized and does not authorize the expenditure of any funds or monies of the Authority from any source other than the issuance of the Bonds. All costs and expenses in connection with the financing and the acquisition, construction and equipping of the Development and the issuance of the Bonds, including the reasonable fees and expenses of the Authority's counsel, bond counsel, and the agent or underwriter for the sale of the Bonds, shall be paid from the proceeds of the Bonds or by the Borrower, but if for any reason the Bonds are not issued, all such expenses shall be paid by the Borrower and the Authority shall have no responsibility therefore. It is understood and agreed by the Authority and the Borrower that nothing contained in this resolution shall be construed or interpreted to create any personal liability of the officers or commissioners from time to time of the Authority.

7. The officers of the Authority are hereby authorized and directed to take all actions in furtherance of the issuance of the Bonds, including calling for a public hearing with respect to the financing of the Development through the issuance of the Bonds.

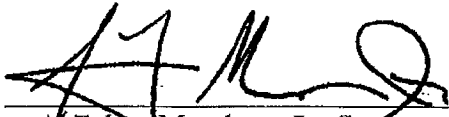
8. McGuireWoods LLP, Raleigh, North Carolina, shall act as bond counsel for the Bonds.

9. This resolution shall take effect immediately upon its passage.

RECORDING OFFICER'S CERTIFICATION

I, A. Fulton Meachem, Jr., the duly appointed Secretary of the Housing Authority of the City of Charlotte, N.C., do hereby certify that this Resolution was properly adopted at a regular meeting held September 20, 2016.

(SEAL)

By: 
A. Fulton Meachem, Jr., Secretary

