

Agenda Item #:

301

**PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM SUMMARY**

Meeting Date: November 21, 2006

☒ Consent

☐ Regular

☐ Public Hearing

Department

Submitted By: COUNTY ATTORNEY

Submitted For:

I. EXECUTIVE BRIEF

Motion and Title: STAFF RECOMMENDS MOTION TO APPROVE AND FILE WITH THE CLERK OF THE CIRCUIT COURT the bonds on elected or re-elected Commissioners of Palm Beach County.

Summary: Immediately following the election, newly elected or re-elected Commissioners must secure bonding for presentation to the Board of County Commissioners for approval pursuant to Section 137.01, Florida Statutes. Section 137.01 now requires that such official bonds must be approved by the Board and then filed with the Clerk of the Circuit Court. Countywide (PFK)

Background and Policy Issues: The following individuals were elected or re-elected to serve as County Commissioners for their respective districts:

John F. Koons	District #2
Mary McCarty	District #4
Jess R. Santamaria	District #6

Attachments:

1. Bond documents on elected and re-elected Commissioners

Recommended by: _____

Department Director

Date

Approved by: _____

Assistant County Administrator

Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2007	2008	2009	2010	2011
Capital Expenditures	—	—	—	—	—
Operating Costs	—	—	—	—	—
External Revenues	—	—	—	—	—
Program Income (County)	—	—	—	—	—
In-Kind Match (County)	—	—	—	—	—
NET FISCAL IMPACT	—	—	—	—	—
# ADDITIONAL FTE POSITIONS (Cumulative)	—	—	—	—	—

Is Item Included in Current Budget? Yes___ No___

Budget Account No.: Fund___ Department___ Unit___ Object___

Reporting Category___

B. Recommended Sources of Funds/Summary of Fiscal Impact:

C. Departmental Fiscal Review: No fiscal impact at this time.

III. REVIEW COMMENTS

A. OFMB Fiscal and/or Contract Dev. and Control Comments:

Edizahuth Green
OFMB
11/15/06
11-15-06
11-14-06

Dr. J. Sweet
Contract Dev. and Control
11/15/06
11/15/06

B. Legal Sufficiency:

Paul F. J.
Assistant County Attorney
10/11/06

C. Other Department Review:

Department Director

THIS SUMMARY IS NOT TO BE USED AS A BASIS FOR PAYMENT.

OATH OF OFFICE

STATE OF FLORIDA

COUNTY OF PALM BEACH

I, DO SOLEMNLY SWEAR (OR AFFIRM) that I will support, protect and defend the Constitution and Government of the United States and of the State of Florida; that I am duly qualified to hold office under the Constitution of the State, and that I will well and faithfully perform the duties of

County Commissioner of Palm Beach County

on which I am now about to enter, so help me God.

UNDER PENALTIES OF PERJURY, I DECLARE THAT I HAVE READ THE FOREGOING OATH AND THAT THE FACTS STATED IN IT ARE TRUE.

(1)

Signature

John F. Koons

11/8/00

Date Signed

ACCEPTANCE

SECRETARY OF STATE

500 South Bronough Street, Room 316

TALLAHASSEE, FLORIDA 32399-0250

I accept the office of County Commissioner of Palm Beach County - District 2

The above is the oath of office taken by me.

In addition to the above office I also hold the office of _____

My mailing address is: ☐ home ☒ office

(2) 301 N. Olive Avenue, 12th Floor

Street or Post Office Box

West Palm Beach, Fl 33401

City, State, Zip Code

(3)

Sign as you desire commission issued

John F. Koons

John F. Koons

Print or type name as signed above

Person taking oath sign on line (1) above. Sign acceptance on line numbered (3) after giving address on line (2).

State of Florida

Secretary of State

Division of Elections

BOND NO. FCB08678257

500 South Bronough Street, Room 316
Tallahassee, Florida 32399-0250

Public Official Bond

County of Palm Beach

KNOW ALL MEN BY THESE PRESENTS, That we, John F. Koons
(Official's Name)
as Principal, and FIDELITY AND DEPOSIT COMPANY OF MARYLAND

as Surety, are bound unto the Governor of the State of Florida, and his successors in office, in the
sum of \$ 2,000 Dollars, we hereby bind ourselves and each of
our heirs, executors, administrators, successors and assigns, jointly and severally.

THE CONDITION OF THIS OBLIGATION IS SUCH, That, whereas, said official
was elected ☒ appointed ☐ County Commissioner - District 2 to hold this office for
(Name of Office)
a term beginning Nov. 21, 2006 and ending Nov. 15, 2010 and until his/her
successor is qualified according to the Constitution and Laws of the State of Florida.

NOW, THEREFORE, If the official shall faithfully perform the duties of their office
as provided by law, this obligation is void.

X John F. Koons
(Signature of Official)

Signed and Sealed this 7TH day of NOVEMBER, 20 06.

P.O. BOX 1227, BALTIMORE, MD 21203-1227

(Address of Main Surety Company)

ACORDIA

(Name of Local Bonding Company)

501 SOUTH FLAGLER DRIVE #600 WEST PALM BEACH, FL 33401

(Address of Local Bonding Company)

By X Malcolm G. McCampbell
(Signature of Florida Licensed Agent)

262-88-3328

(Social Security Number of Florida Licensed Agent)

Malcolm G. McCampbell, Attorney-In-Fact

(Type Name of Florida License Agent)

(SEAL)

The above is approved this _____ day of _____, 20____
by: _____
County Commissioners

Chairman: _____

Power of Attorney
FIDELITY AND DEPOSIT COMPANY OF MARYLAND

KNOW ALL MEN BY THESE PRESENTS: That the FIDELITY AND DEPOSIT COMPANY OF MARYLAND, a corporation of the State of Maryland, by WILLIAM J. MILLS, Vice President, and ERIC D. BARNES, Assistant Secretary, in pursuance of authority granted by Article VI, Section 2, of the By-Laws of said Company, which are set forth on the reverse side hereof and are hereby certified to be in full force and effect on the date hereof, does hereby nominate, constitute and appoint Sam L. ELLINGTON, Malcolm G. MCCAMPBELL and Brian Douglas COTTRELL, all of West Palm Beach, Florida, EACH its true and lawful agent and Attorney-in-Fact to make, execute, seal and deliver, for, and on its behalf as surety, and as its act and deed: any and all bonds and undertakings, and the execution of such bonds or undertakings in pursuance of these presents, shall be as binding upon said Company, as fully and amply, to all intents and purposes, as if they had been duly executed and acknowledged by the regularly elected officers of the Company at its office in Baltimore, Md., in their own proper persons. This power of attorney revokes that issued on behalf of Sam L. ELLINGTON, Malcolm G. MCCAMPBELL, Audrey E. BOYD, Brian Douglas COTTRELL, dated May 4, 2004.

The said Assistant Secretary does hereby certify that the extract set forth on the reverse side hereof is a true copy of Article VI, Section 2, of the By-Laws of said Company, and is now in force.

IN WITNESS WHEREOF, the said Vice-President and Assistant Secretary have hereunto subscribed their names and affixed the Corporate Seal of the said FIDELITY AND DEPOSIT COMPANY OF MARYLAND, this 24th day of November, A.D. 2004.

ATTEST:

FIDELITY AND DEPOSIT COMPANY OF MARYLAND



Eric D. Barnes

Eric D. Barnes

Assistant Secretary

William J. Mills

By:

William J. Mills

Vice President

State of Maryland } ss:
City of Baltimore }

On this 24th day of November, A.D. 2004, before the subscriber, a Notary Public of the State of Maryland, duly commissioned and qualified, came WILLIAM J. MILLS, Vice President, and ERIC D. BARNES, Assistant Secretary of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND, to me personally known to be the individuals and officers described in and who executed the preceding instrument, and they each acknowledged the execution of the same, and being by me duly sworn, severally and each for himself depose and saith, that they are the said officers of the Company aforesaid, and that the seal affixed to the preceding instrument is the Corporate Seal of said Company, and that the said Corporate Seal and their signatures as such officers were duly affixed and subscribed to the said instrument by the authority and direction of the said Corporation.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my Official Seal the day and year first above written.



Maria D. Adamski

Maria D. Adamski

Notary Public

My Commission Expires: July 8, 2007

EXTRACT FROM BY-LAWS OF FIDELITY AND DEPOSIT COMPANY OF MARYLAND

"Article VI, Section 2. The Chairman of the Board, or the President, or any Executive Vice-President, or any of the Senior Vice-Presidents or Vice-Presidents specially authorized so to do by the Board of Directors or by the Executive Committee, shall have power, by and with the concurrence of the Secretary or any one of the Assistant Secretaries, to appoint Resident Vice-Presidents, Assistant Vice-Presidents and Attorneys-in-Fact as the business of the Company may require, or to authorize any person or persons to execute on behalf of the Company any bonds, undertaking, recognizances, stipulations, policies, contracts, agreements, deeds, and releases and assignments of judgements, decrees, mortgages and instruments in the nature of mortgages,...and to affix the seal of the Company thereto."

CERTIFICATE

I, the undersigned, Assistant Secretary of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND, do hereby certify that the foregoing Power of Attorney is still in full force and effect on the date of this certificate; and I do further certify that the Vice-President who executed the said Power of Attorney was one of the additional Vice-Presidents specially authorized by the Board of Directors to appoint any Attorney-in-Fact as provided in Article VI, Section 2, of the By-Laws of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND.

This Power of Attorney and Certificate may be signed by facsimile under and by authority of the following resolution of the Board of Directors of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND at a meeting duly called and held on the 10th day of May, 1990.

RESOLVED: "That the facsimile or mechanically reproduced seal of the company and facsimile or mechanically reproduced signature of any Vice-President, Secretary, or Assistant Secretary of the Company, whether made heretofore or hereafter, wherever appearing upon a certified copy of any power of attorney issued by the Company, shall be valid and binding upon the Company with the same force and effect as though manually affixed."

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed the corporate seal of the said Company,

this 7th day of November, 2004.

George E. Murray

Assistant Secretary

OATH OF OFFICE

STATE OF FLORIDA

COUNTY OF Palm Beach

I, DO SOLEMNLY SWEAR (OR AFFIRM) that I will support, protect and defend the Constitution and Government of the United States and of the State of Florida; that I am duly qualified to hold office under the Constitution of the State, and that I will well and faithfully perform the duties of

County Commissioner of Palm Beach County

on which I am now about to enter, so help me God.

UNDER PENALTIES OF PERJURY, I DECLARE THAT I HAVE READ THE FOREGOING OATH AND THAT THE FACTS STATED IN IT ARE TRUE.

(1) Mary McCarty 11/8/06
Signature Date Signed

ACCEPTANCE

SECRETARY OF STATE
500 South Bronough Street, Room 316
TALLAHASSEE, FLORIDA 32399-0250

I accept the office of County Commissioner of Palm Beach County - Distri

4. The above is the oath of office taken by me.

In addition to the above office I also hold the office of _____.

My mailing address is: ☐ home ☒ office

(2) 301 N. Olive Avenue, 12th Floor

Street or Post Office Box

West Palm Beach, Fl 33401

City, State, Zip Code

(3) Mary McCarty
Sign as you desire commission issued
Mary McCarty

Print or type name as signed above

Person taking oath sign on line (1) above. Sign acceptance on line numbered (3) after giving address on line (2).

DS-DE 56 (rev.2/04)

State of Florida

Secretary of State

Division of Elections

500 South Bronough Street, Room 316
Tallahassee, Florida 32399-0250

Public Official Bond

County of Palm Beach

KNOW ALL MEN BY THESE PRESENTS, That we, Mary McCarty
(Official's Name)
as Principal, and FIDELITY AND DEPOSIT COMPANY OF MARYLAND

as Surety, are bound unto the Governor of the State of Florida, and his successors in office, in the
sum of \$ 2,000.00 Dollars, we hereby bind ourselves and each of
our heirs, executors, administrators, successors and assigns, jointly and severally.

THE CONDITION OF THIS OBLIGATION IS SUCH, That, whereas, said official
was elected ☒ appointed ☐ County Commissioner- to hold this office for
(Name of Office) District 4
a term beginning Nov. 21, 2006 and ending Nov. 15, 2010 and until his/her
successor is qualified according to the Constitution and Laws of the State of Florida.

NOW, THEREFORE, If the official shall faithfully perform the duties of their office
as provided by law, this obligation is void.

X Mary McCarty
(Signature of Official)

Signed and Sealed this 7TH day of NOVEMBER, 2006
P.O. BOX 1227, BALTIMORE, MD 21203-1227

(Address of Main Surety Company)

ACORDIA

(Name of Local Bonding Company)

501 SOUTH FLAGLER DRIVE #600 WEST PALM BEACH, FL 33401

(Address of Local Bonding Company)

(SEAL)

By X Malcolm G. McCampbell
262-88-3328 (Signature of Florida Licensed Agent)

(Social Security Number of Florida Licensed Agent)
Malcolm G. McCampbell, Attorney-In-Fact

(Type Name of Florida License Agent)

The above is approved this _____ day of _____, 20____
by: _____
County Commissioners

Chairman: _____

Power of Attorney
FIDELITY AND DEPOSIT COMPANY OF MARYLAND

KNOW ALL MEN BY THESE PRESENTS: That the FIDELITY AND DEPOSIT COMPANY OF MARYLAND, a corporation of the State of Maryland, by WILLIAM J. MILLS, Vice President, and ERIC D. BARNES, Assistant Secretary, in pursuance of authority granted by Article VI, Section 2, of the By-Laws of said Company, which are set forth on the reverse side hereof and are hereby certified to be in full force and effect on the date hereof, does hereby nominate, constitute and appoint Sam L. ELLINGTON, Malcolm G. MCCAMPBELL and Brian Douglas COTTRELL, all of West Palm Beach, Florida, EACH its true and lawful agent and Attorney-in-fact to make, execute, seal and deliver, for, and on its behalf as surety, and as its act and deed: any and all bonds and undertakings, and the execution of such bonds or undertakings in pursuance of these presents, shall be as binding upon said Company, as fully and amply, to all intents and purposes, as if they had been duly executed and acknowledged by the regularly elected officers of the Company at its office in Baltimore, Md., in their own proper persons. This power of attorney revokes that issued on behalf of Sam L. ELLINGTON, Malcolm G. MCCAMPBELL, Audrey E. BOYD, Brian Douglas COTTRELL, dated May 4, 2004.

The said Assistant Secretary does hereby certify that the extract set forth on the reverse side hereof is a true copy of Article VI, Section 2, of the By-Laws of said Company, and is now in force.

IN WITNESS WHEREOF, the said Vice-President and Assistant Secretary have hereunto subscribed their names and affixed the Corporate Seal of the said FIDELITY AND DEPOSIT COMPANY OF MARYLAND, this 24th day of November, A.D. 2004.

ATTEST:

FIDELITY AND DEPOSIT COMPANY OF MARYLAND



Eric D. Barnes

Eric D. Barnes

Assistant Secretary

William J. Mills

By:

William J. Mills

Vice President

State of Maryland } ss:
City of Baltimore }

On this 24th day of November, A.D. 2004, before the subscriber, a Notary Public of the State of Maryland, duly commissioned and qualified, came WILLIAM J. MILLS, Vice President, and ERIC D. BARNES, Assistant Secretary of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND, to me personally known to be the individuals and officers described in and who executed the preceding instrument, and they each acknowledged the execution of the same, and being by me duly sworn, severally and each for himself depose and saith, that they are the said officers of the Company aforesaid, and that the seal affixed to the preceding instrument is the Corporate Seal of said Company, and that the said Corporate Seal and their signatures as such officers were duly affixed and subscribed to the said instrument by the authority and direction of the said Corporation.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my Official Seal the day and year first above written.



Maria D. Adamski

Maria D. Adamski

Notary Public

My Commission Expires: July 8, 2007

EXTRACT FROM BY-LAWS OF FIDELITY AND DEPOSIT COMPANY OF MARYLAND

"Article VI, Section 2. The Chairman of the Board, or the President, or any Executive Vice-President, or any of the Senior Vice-Presidents or Vice-Presidents specially authorized so to do by the Board of Directors or by the Executive Committee, shall have power, by and with the concurrence of the Secretary or any one of the Assistant Secretaries, to appoint Resident Vice-Presidents, Assistant Vice-Presidents and Attorneys-in-Fact as the business of the Company may require, or to authorize any person or persons to execute on behalf of the Company any bonds, undertaking, recognizances, stipulations, policies, contracts, agreements, deeds, and releases and assignments of judgements, decrees, mortgages and instruments in the nature of mortgages,...and to affix the seal of the Company thereto."

CERTIFICATE

I, the undersigned, Assistant Secretary of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND, do hereby certify that the foregoing Power of Attorney is still in full force and effect on the date of this certificate; and I do further certify that the Vice-President who executed the said Power of Attorney was one of the additional Vice-Presidents specially authorized by the Board of Directors to appoint any Attorney-in-Fact as provided in Article VI, Section 2, of the By-Laws of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND.

This Power of Attorney and Certificate may be signed by facsimile under and by authority of the following resolution of the Board of Directors of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND at a meeting duly called and held on the 10th day of May, 1990.

RESOLVED: "That the facsimile or mechanically reproduced seal of the company and facsimile or mechanically reproduced signature of any Vice-President, Secretary, or Assistant Secretary of the Company, whether made heretofore or hereafter, wherever appearing upon a certified copy of any power of attorney issued by the Company, shall be valid and binding upon the Company with the same force and effect as though manually affixed."

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed the corporate seal of the said Company,

this 7th day of November, 2006.

Gregory E. Murray

Assistant Secretary

OATH OF OFFICE

STATE OF FLORIDA

COUNTY OF PALM BEACH

I, DO SOLEMNLY SWEAR (OR AFFIRM) that I will support, protect and defend the Constitution and Government of the United States and of the State of Florida; that I am duly qualified to hold office under the Constitution of the State, and that I will well and faithfully perform the duties of

County Commissioner of Palm Beach County

on which I am now about to enter, so help me God.

UNDER PENALTIES OF PERJURY, I DECLARE THAT I HAVE READ THE FOREGOING OATH AND THAT THE FACTS STATED IN IT ARE TRUE.

(1)

Signature

11/9/06

Date Signed

ACCEPTANCE

SECRETARY OF STATE
500 South Bronough Street, Room 316
TALLAHASSEE, FLORIDA 32399-0250

I accept the office of County Commissioner of Palm Beach County - District 6

_____. The above is the oath of office taken by me.

In addition to the above office I also hold the office of _____.

My mailing address is: ☐ home ☒ office

(2) 301 N. Olive Avenue, 12th Floor

Street or Post Office Box

West Palm Beach, Fl 33401

City, State, Zip Code

(3)

Sign as you desire commission issued

Jess R. Santamaria

Print or type name as signed above

Person taking oath sign on line (1) above. Sign acceptance on line numbered (3) after giving address on line (2).

DS-DE 56 (rev.2/04)

State of Florida
Secretary of State
Division of Elections
500 South Bronough Street, Room 316
Tallahassee, Florida 32399-0250

Public Official Bond

County of PALM BEACH

Bond No. FCB874393500

KNOW ALL MEN BY THESE PRESENTS, That we, Jess R. Santamaria
(Official's Name)
as Principal, and Fidelity and Deposit Company of Maryland
as Surety, are bound unto the Governor of the State of Florida, and his successors in office, in the
sum of \$ 2,000.00 Dollars, we hereby bind ourselves and each of
our heirs, executors, administrators, successors and assigns, jointly and severally.

THE CONDITION OF THIS OBLIGATION IS SUCH, That, whereas, said official
was elected ☒ appointed ☐ County Commissioner - District 6 to hold this office for
(Name of Office)
a term beginning Nov. 21, 2006 and ending Nov. 15, 2010 and until his/her
successor is qualified according to the Constitution and Laws of the State of Florida.

NOW, THEREFORE, If the official shall faithfully perform the duties of their office
as provided by law, this obligation is void.

Signed and Sealed this 10th day of November, 20 06

X Jess R. Santamaria
(Signature of Official)

P.O. Box 1227 Baltimore, MD 21203-1227

Acordia

(Address of Main Surety Company)

(Name of Local Bonding Company)

501 S. Flagler Drive #600, West Palm Beach, FL 33401

(Address of Local Bonding Company)

By X

Malcolm G. McCampbell
(Signature of Florida Licensed Agent)

262-88-3328

(Social Security Number of Florida Licensed Agent)

Malcolm G. McCampbell, Attorney-in-Fact

(Type Name of Florida License Agent)

The above is approved this _____ day of _____, 20____,
by: _____
County Commissioners

Chairman: _____

Power of Attorney
FIDELITY AND DEPOSIT COMPANY OF MARYLAND
HOME OFFICE: 3910 KESWICK ROAD, BALTIMORE, MD 21211

KNOW ALL MEN BY THESE PRESENTS: That the FIDELITY AND DEPOSIT COMPANY OF MARYLAND, a corporation of the State of Maryland, by Frank E. Martin, Jr., Vice President and Gerald F. Haley, Assistant Secretary, in pursuance of authority granted by Article VI, Section 2, of the By-Laws of said Company, which are set forth on the next page hereof and are hereby certified to be in full force and effect on the date hereof, does hereby nominate, constitute and appoint Malcolm G. McCampbell, its true and lawful agent and Attorney-in-Fact, to make, execute, seal and deliver, for, and on its behalf as surety, and as its act and deed: Bond or undertaking number POB874393500, issued on behalf of JESS P. SANTAMARIA, as Principal in a penalty not to exceed the sum of Two Thousand Four Hundred and Zero Cents (\$ 2,400) and the execution of such bond or undertaking in pursuance of these presents, shall be as binding upon said company, as fully and amply, to all intents and purposes, as if it had been duly executed and acknowledged by the regularly elected officers of the Company at its office in Baltimore, MD, in their own proper persons.

The said Assistant Secretary does hereby certify that the extract set forth on the next page hereof is a true copy of Article VI, Section 2, of the By-Laws of said Company, and is now in force.

IN WITNESS WHEREOF, the said Vice-President and Assistant Secretary have hereunto subscribed their names and affixed the Corporate Seal of the said FIDELITY AND DEPOSIT COMPANY OF MARYLAND this 21st day of November, A.D. 2006.

ATTEST:

FIDELITY AND DEPOSIT COMPANY OF MARYLAND



Gerald F. Haley

Gerald F. Haley Assistant Secretary

By:

Frank E. Martin Jr.

Frank E. Martin, Jr. Vice President

State of Maryland } ss:
County of Baltimore

On this 21st day of November, A.D. 2006, before the subscriber, a Notary Public of the State of Maryland, duly commissioned and qualified, came Frank E. Martin, Jr., Vice President, and Gerald F. Haley, Assistant Secretary of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND, to me personally known to be the individuals and officers described in and who executed the preceding instrument, and they each acknowledged the execution of the same, and being by me duly sworn, severally and each for himself depose and saith, that they are the said officers of the Company aforesaid, and that the seal affixed to the preceding instrument is the Corporate Seal of said Company, and that the said Corporate Seal and their signatures as such officers were duly affixed and subscribed to the said instrument by the authority and direction of the said Corporation.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my Official Seal the day and year first above written.



Stephen G. Moxley

Stephen G. Moxley Notary Public
My Commission Expires: November 1, 2007

EXTRACT FROM BY-LAWS OF FIDELITY AND DEPOSIT COMPANY OF MARYLAND

"Article VI, Section 2. The Chairman of the Board, or the President, or any Executive Vice-President, or any of the Senior Vice-Presidents or Vice-Presidents specially authorized so to do by the Board of Directors or by the Executive Committee, shall have power, by and with the concurrence of the Secretary or any one of the Assistant Secretaries, to appoint Resident Vice-Presidents, Assistant Vice-Presidents and Attorneys-in-Fact as the business of the Company may require, or to authorize any person or persons to execute on behalf of the Company any bonds, undertaking, recognizances, stipulations, policies, contracts, agreements, deeds, and releases and assignments of judgements, decrees, mortgages and instruments in the nature of mortgages, and to affix the seal of the Company thereto."

CERTIFICATE

I, the undersigned, Assistant Secretary of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND, do hereby certify that the original Power of Attorney of which the foregoing is a full, true and correct copy, is in full force and effect on the date of this certificate; and I do further certify that the Vice-President who executed the said Power of Attorney was one of the additional Vice-Presidents specially authorized by the Board of Directors to appoint any Attorney-in-Fact as provided in Article VI, Section 2, of the By-Laws of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND.

This Power of Attorney and Certificate may be signed by facsimile under and by authority of the following resolution of the Board of Directors of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND at a meeting duly called and held on the 5th day of May, 1994.

RESOLVED: "That the facsimile or mechanically reproduced seal of the company and facsimile or mechanically reproduced signature of any Vice-President, Secretary, or Assistant Secretary of the Company, whether made heretofore or hereafter, wherever appearing upon a certified copy of any power of attorney issued by the Company, shall be valid and binding upon the Company with the same force and effect as though manually affixed."

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed the corporate seal of the said Company, this 21st day of November, 2006.

L.L. Goucher

L.L. Goucher

Assistant Secretary

