

STATE OF SOUTH CAROLINA)
)
COUNTY OF LANCASTER)

FILED
OFFICE OF CLERK
OF COURT
ORDINANCE NO.: 2018-1517
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CLERK OF COURT
LANCASTER, SC

AN ORDINANCE

ORDERING A REFERENDUM IN LANCASTER COUNTY, SOUTH CAROLINA, TO SUBMIT THE QUESTION OF WHETHER LANCASTER COUNTY, SOUTH CAROLINA, SHALL ISSUE NOT EXCEEDING \$19,000,000 GENERAL OBLIGATION BONDS, IN ONE OR MORE SERIES; IN ONE OR MORE YEARS, PROVIDING FOR THE FORM OF BALLOT TO BE USED; PROVIDING FOR NOTICE OF THE REFERENDUM; AND PROVIDING FOR ALL OTHER THINGS NECESSARY TO SUBMIT THE AFORESAID QUESTION.

Be it ordained by the Council of Lancaster County, South Carolina:

SECTION 1. Findings.

The County Council (the “Council”), as the governing body of Lancaster County, South Carolina (the “County”), hereby finds and determines:

(a) Pursuant to Section 4-9-10, Code of Laws of South Carolina 1976, as amended (the “S.C. Code”), the Council/Administrator form of government was selected and the Council constitutes the governing body of the County.

(b) Article X, Section 14 of the Constitution of the State of South Carolina, 1895, as amended (the “Constitution”), provides that counties of the State of South Carolina (the “State”) shall have the power to incur general obligation debt only in such manner and upon such terms and conditions as the General Assembly shall prescribe by law.

(c) Article X, Section 14, subsection (6) of the Constitution provides that if general obligation debt is authorized by a majority vote of the qualified electors of a County voting in a referendum authorized by law, there shall be no conditions or restrictions limiting the incurring of such indebtedness except: (i) those restrictions and limitations imposed in the authorization to incur such indebtedness; (ii) such general obligation debt shall be issued within five years of the date of such referendum; and (iii) general obligation debt may be incurred only for a purpose which is a public purpose and which is a corporate purpose of a County and such debt shall mature within thirty years from the time such indebtedness shall be incurred.

(d) The provisions of Title 11, Chapter 27 of the S.C. Code empower the Council of a County order any such referendum as is required by Article X of the Constitution, to prescribe the notice thereof and to conduct or cause to be conducted such referendum in the manner prescribed by Title 7 of the S.C. Code and Section 4-15-50 of Article 4, Section 15 of the S.C. Code (the “County Bond Act”).

(e) Pursuant to Ordinance No. 113 enacted on January 17, 1983, the Council created the Joint Recreation Commission for Lancaster County (the "Commission"). On July 25, 1994, the Council enacted Ordinance No. 243 which amended and replaced Ordinance No. 113. The Commission was created to manage, supervise, maintain and control the use of all recreation and park property located in the County owned by the County, the City of Lancaster, the Town of Heath Springs, and the Town of Kershaw. The Commission prepares plans for future park and recreation facilities which may be needed to meet the needs of all citizens of the County and are responsible for the development and implementation of public recreation program for all citizens of the County.

(e) It has been recommended to Council by the Commission that a bond referendum should be held within the County to seek voter approval of the issuance of general obligation bonds, the proceeds of which would be used to fund the following projects:

Addition to Indian Land Recreation Center;
Construction of and equipping of Harrisburg Road Soccer Complex;
Construction of a portion of the Lindsay Pettus Greenway Phase I;
Renovations to Barr Street Auditorium;
Construction of and equipping of Heath Springs Soccer Complex; and
Acquisition of land, if necessary, for any of these projects

The total cost of these projects is estimated to be \$16,946,907. Under the County's present constitutional debt limitation, the amount of bonds authorized to be issued is limited unless the question of issuing such bonds is submitted and approved by the qualified electors of the County.

(f) It is in the best interest of the County for the Council to order a referendum to be held in the County to submit to the qualified electors of the County the question of whether the County shall be authorized to issue, at one time or from time to time, general obligation bonds of the County in a principal amount of not exceeding \$19,000,000, the proceeds of which shall be used as set forth in Section 1(e) above.

SECTION 2. Order to Hold Referendum.

Pursuant to the aforesaid provisions of the Constitution and laws of the State, there is hereby ordered a referendum to be held in the County on November 6, 2018 (the "Referendum"), at which time there shall be submitted to all persons qualified to vote under the Constitution and laws of the State the question set forth in Section 5 hereof.

SECTION 3. Declaration of Intent to Reimburse Certain Expenditures.

This Ordinance shall constitute the County's declaration of official intent pursuant to Regulation §1.150-2 of the Internal Revenue Code of 1986, as amended (the "Code") to reimburse the County from a portion of the proceeds of general obligation bonds for expenditures it anticipates incurring (the "Expenditures") with respect to the projects set forth in Section 1(e)

hereof prior to the issuance of the general obligation bonds. The Expenditures which are reimbursed are limited to Expenditures which are: (a) properly chargeable to a capital account (or would be so chargeable with a proper election or with the application of the definition of placed in service under Regulation §1.150-2 of the Code) under general federal income tax principals; or (2) certain de minimis or preliminary Expenditures satisfying the requirements of Regulation §1.150-2(f) of the Code. The source of funds for the Expenditures with respect to these projects will be the County's reserve funds. To be eligible for reimbursement of the Expenditures, the reimbursement allocation must be made not later than 18 months after the later of (a) the date on which the Expenditures were paid; or (b) the date such projects were placed in service, but in no event more than three (3) years after the original Expenditures.

SECTION 4. Voting Precincts and Polling Places.

The voting precincts or any portion thereof in the County for the Referendum shall be those designated by Section 7-7-320 of the S.C. Code. The polling places in each of such precincts shall be designated by the Lancaster County Board of Voter Registration and Elections (the "Elections Board").

The polls shall be opened at seven o'clock in the forenoon and closed at seven o'clock in the afternoon on the date fixed for the Referendum and shall be held open during said hours without intermission or adjournment.

SECTION 5. Form of Ballot.

The Elections Board is requested to cause to be printed a sufficient number of ballots for each voting machine used in the Referendum and a sufficient number of emergency ballots for use in the Referendum. The instructions must appear conspicuously at the top of the ballot face and must be printed in bold-faced type at least as large as the largest type on the ballot. Upon approval by the Elections Board, the form of question on the ballot label to be used in the Referendum and the instructions to voters appearing thereon shall be in substantially the form set forth below. The format of the ballot may be changed to accommodate voting machines, but the form of question shall remain the same.

(FORM OF BALLOT)

OFFICIAL BALLOT, REFERENDUM
\$19,000,000 GENERAL OBLIGATION BONDS
COUNTY OF LANCASTER COUNTY, SOUTH CAROLINA
November 6, 2018

No. _____ Precinct _____

Initials of Issuing Officer

OFFICIAL BALLOT, REFERENDUM
\$19,000,000 GENERAL OBLIGATION BONDS
COUNTY OF LANCASTER COUNTY, SOUTH CAROLINA
November 6, 2018

Shall the County Council of Lancaster County, South Carolina be empowered to issue, in one or more series, in one or more years, general obligation bonds of the County, in the principal amount of not exceeding \$19,000,000, the proceeds of which shall be used to finance the costs (including architectural, engineering, equipping, and legal and related fees) of the following projects:

Addition to Indian Land Recreation Center;
Construction of and equipping of Harrisburg Road Soccer Complex;
Construction of a portion of the Lindsay Pettus Greenway Phase I;
Renovations to Barr Street Auditorium;
Construction of and equipping of Heath Springs Soccer Complex; and
Acquisition of land, if necessary, for any of these projects?

If the voter wishes to vote in favor of the question, fill in the oval next to "In favor of the question/yes;" if the voter wishes to vote against the question, fill in the oval next to the words, "Opposed to the question/no."

☐ In favor of the question /yes

☐ Opposed to the question /no

SECTION 6. Qualification of Voters.

Every person offering to vote must be at least eighteen (18) years of age and must be duly registered on the books of registration for the County as an elector in the precinct in which he or she resides and offers to vote on or before the date on which said books of registration are closed for the Referendum, and must present such documents and/or forms of identification as required by State law. Any registered elector who has moved his or her place of residence within the County after the date on which said books of registration are closed for the Referendum, but before the date of the Referendum, shall be entitled to vote fail safe, providing they qualify to vote in the election at the voter registration office on election day.

Absentee ballots for the Referendum shall be available at the Lancaster County Registration and Elections Office. The books of registration shall be closed thirty (30) days before the Referendum.

SECTION 7. Notice of Referendum.

The Council hereby authorizes the publication of a Notice of Referendum to be published in *The Lancaster News*, a newspaper of general circulation in the County, in compliance with Section 7-13-35 of the S.C. Code. Such notice must be published not later than sixty (60) days before the date of the Referendum and again not later than two weeks after the first notice. Such Notice of Referendum, substantially in the form attached hereto as Exhibit A, shall be published again in *The Lancaster News* at least once not less than fifteen (15) days prior to the occasion set for the holding of the Referendum in compliance with the County Bond Act.

The Elections Board is authorized to insert the location of any omitted polling places or change any of the locations of polling places for the Referendum as deemed necessary or advisable. Appropriate changes are authorized to be made in the Notice of Referendum.

SECTION 8. Elections Board.

A certified copy of this Ordinance shall be filed with the Elections Board, and the Elections Board is hereby requested as follows:

- (a) To join in the action of the County in providing for the respective Notices of Referendum in compliance with Section 7-13-35 of the S.C. Code;
- (b) To prescribe the form of ballot to be used in the Referendum;
- (c) To arrange for polling places in each precinct, or any part of a precinct within the County;
- (d) To appoint Managers of Election;
- (e) To provide ballots and ballot boxes or voting machines for the Referendum;

(f) To conduct the Referendum, receive the returns thereof, canvass such returns, declare the results thereof, and certify such results to the Council; and

(g) To take other steps and prepare such other means as shall be necessary or required by law in order to properly conduct the Referendum.

SECTION 9. Controlling Ordinance.

To the extent this ordinance contains provisions that conflict with provisions contained elsewhere in the Lancaster County Code or other County ordinances, the provisions of this Ordinance supersede all other provisions and this Ordinance is controlling.

SECTION 10. Severability.

If, for any reason, any part of this Ordinance is invalidated by a court of competent jurisdiction, the remaining portions of this Ordinance shall remain in effect.

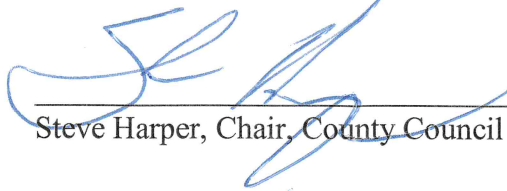
SECTION 11. Effective Date.

This Ordinance is effective upon Third Reading.

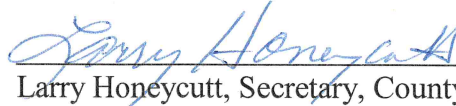
AND IT IS SO ORDAINED

Dated this 16th day of July, 2018.

LANCASTER COUNTY, SOUTH CAROLINA




Steve Harper, Chair, County Council



Larry Honeycutt, Secretary, County Council

ATTEST:



Sherrie Simpson, Clerk to Council

Public Hearing: July 16, 2018
First Reading: June 11, 2018
Second Reading: June 25, 2018
Third Reading: July 16, 2018

(FORM OF NOTICE OF REFERENDUM)

NOTICE OF REFERENDUM
\$19,000,000 GENERAL OBLIGATION BONDS
LANCASTER COUNTY, SOUTH CAROLINA

NOTICE IS HEREBY GIVEN that a referendum will be held in Lancaster County, South Carolina (the "County"), on November 6, 2018, for the purpose of submitting to all persons qualified to vote in the County, under the Constitution and laws of the State of South Carolina (the "State"), the following question:

Shall the County Council of Lancaster County, South Carolina be empowered to issue, in one or more series, in one or more years, general obligation bonds of the County, in the principal amount of not exceeding \$19,000,000, the proceeds of which shall be used to finance the costs (including architectural, engineering, legal and related fees) of the following projects:

Addition to Indian Land Recreation Center;
Construction of and equipping of Harrisburg Road Soccer Complex;
Construction of a portion of the Lindsay Pettus Greenway Phase I;
Renovations to Barr Street Auditorium; and
Construction of and equipping of Heath Springs Soccer Complex?

If the voter wishes to vote in favor of the question, fill in the oval next to "In favor of the question/yes;" if the voter wishes to vote against the question, fill in the oval next to the words, "Opposed to the question/no."

☐ In favor of the question /yes

☐ Opposed to the question /no

Such question is being submitted pursuant to Article X, Section 14 of the Constitution of the State of South Carolina, 1895, as amended, Title 11, Chapter 27, Code of Laws of the State of South Carolina 1976, as amended, Title 7, Code of Laws of South Carolina, 1976, as amended, and Title 4, Chapter 15, Code of Laws of South Carolina, 1976, as amended. If a majority of the qualified electors of the County voting in the Referendum approve the issuance of not exceeding \$19,000,000 General Obligation Bonds (the "Bonds"), the Bonds may be issued by the County either as a single issue or from time to time as several separate issues, but no Bonds shall be issued later than five years from the date of the Referendum. The proceeds of the Bonds will be used to finance the costs of constructing and equipping additions and improvements to recreation facilities within the County.

The precincts or portions thereof within the County and locations of the several polling places for such Referendum are as follows:

[TO BE PROVIDED]

The polls shall be opened at seven o'clock (7:00 a.m.) in the forenoon and closed at seven o'clock (7:00 p.m.) in the afternoon on the date fixed for such Referendum. Appropriate voting machines will be provided at the polling places for use in voting on the aforesaid question. Managers of Election will be appointed by the Board of Voter Registration and Elections of Lancaster County, South Carolina (the "Board").

Every person offering to vote (a) must be at least 18 years of age on the date of the Referendum; (b) must reside in the County; (c) must be duly registered on the books of registration for the County as an elector in the precinct in which he or she resides and offers to vote on or before the date on which said books of registration are closed for the Referendum; and (d) must provide such documents and/or forms of identification as required by State law.

Voters who are blind, who are otherwise physically handicapped, or who are unable to read or write are entitled to assistance in casting their ballot. This assistance may be given by anyone the voter chooses except his or her employer, an agent of his or her employer, or an officer or agent of his or her union. The Managers of Election must be notified if assistance is needed. Voters who are unable to enter their polling place due to physical handicap or age may vote in the vehicle in which they drove or were driven to the polls. When notified, the Manager will help voters effectuate this curbside voting provision. Registered voters may be eligible to vote by absentee ballot. Residents wishing to vote by absentee ballot should contact the Board at (843) _____ for instructions.

The Board shall hold a hearing on ballots challenged in the Referendum on _____, _____, at _____ a.m., at _____.

/s/Chair, County Council of Lancaster County, SC
of Lancaster County, SC

/s/Chair, Board of Voter Registration and
Elections of Lancaster County