

AN ORDINANCE

AUTHORIZING THE PELHAM-BATESVILLE FIRE DISTRICT, SOUTH CAROLINA TO ISSUE GENERAL OBLIGATION BONDS, IN ONE OR MORE SERIES; PROVIDING FOR THE PUBLICATION OF NOTICE OF THE SAID FINDINGS AND AUTHORIZATION; AND GENERALLY APPROVING OTHER MATTERS RELATING THERETO.

WHEREAS, by action previously taken, the County Council of Greenville County (hereinafter called the "*County Council*"), the governing body of Greenville County, South Carolina (the "*County*"), ordered that a public hearing (the "*Hearing*") on the question of whether the issuance of general obligation bonds in the principal amount of \$6,500,000 (the "*Bonds*") of the Pelham-Batesville Fire District, South Carolina (the "*District*") shall be approved; and

WHEREAS, the Bonds shall be authorized for the purpose of defraying: (A) the costs of the development, construction, and outfitting of a new headquarters and fire station building of the District, to include areas for: meeting facilities; training and community events; office and administrative areas; crew quarters; apparatus bays and apparatus and facility support areas; and furniture, fixtures and equipment; and (B) the cost of issuance of the Bonds; and

WHEREAS, the Hearing was held in the Greenville County Council Chambers in the Greenville County Square located at 301 University Ridge, Greenville, South Carolina 29601, at 6:00 p.m. on April 18, 2017, and notice of the Hearing was duly published once a week for three successive weeks in *The Greenville News*, a newspaper of general circulation in the County; and

WHEREAS, the Hearing was duly held at the above time, date and place and said Hearing was conducted publicly. Both proponents and opponents of the proposed action were given full opportunity to be heard and it is now in order for the County Council to proceed, after due deliberation, in accordance with Title 6, Chapter 11, Article 5 of the Code of Laws of South Carolina, 1976, as amended (hereinafter called the "*Enabling Act*") to make a finding as to whether or not the Bonds should be issued; and

WHEREAS, the County Council, as previously noted, is empowered by the Enabling Act to authorize the issuance of the Bonds, including the imposition of certain conditions prior to the issuance of the Bonds; and

WHEREAS, subsequent to the Hearing, the County Council has determined to condition the issuance of the Bonds upon either: (i) the adoption of special legislation by the South Carolina General Assembly (the "*Special Legislation*") authorizing the District to issue the Bonds; or (ii) the result of a special election to be held in the District on the question of the issuance of the Bonds (the "*Bond Referendum*").

NOW THEREFORE, BE IT ORDAINED, by the County Council in a meeting duly assembled:

Section 1. It is found and determined that each statement of fact set forth in the preamble of this ordinance (this “*Ordinance*”) is in all respects true and correct.

Section 2. On the basis of the facts adduced at the Hearing, the Board of Fire Control of the Pelham-Batesville Fire District (the “*Board*”), the governing body of the District, shall be authorized to issue the Bonds. Subject to the conditions in Section 3 hereof, the County Council finds that the Board should issue the Bonds in the amount of not exceeding \$6,500,000 as a single issue or from time to time as several separate issues as the Board shall determine.

Section 3. The issuance of the Bonds is expressly conditioned upon either, (i) the adoption of the Special Legislation, or (ii) the successful passage of the Bond Referendum. If the Special Legislation is duly approved and adopted, then no further action of the County Council shall be required. Should the Special Legislation fail to be adopted, the approval of the Bonds by the County shall be subject to the results of the Bond Referendum. If a Bond Referendum is required, the County Council, by separate resolution, shall order the Bond Referendum to be held, and specify other required details of the Bond Referendum.

Section 4. For the payment of the principal of and interest on the Bonds as they respectively mature, and for the creation of such sinking fund as may be necessary therefor, the full faith, credit and taxing power of the District shall be irrevocably pledged, and there shall be levied annually a tax, without limit, on all taxable property within the area of the District in an amount sufficient to pay such principal of and interest on the Bonds as they respectively mature, and to create such sinking fund.

Section 5. The County Administrator of the County, the Chairman of County Council and other officers of the County Council are herewith authorized and empowered to take such further action as may be necessary to fully implement the action taken by this Ordinance.

Section 6. A certified copy of this Ordinance shall forthwith be transmitted to the District to advise it of the action taken by the County Council.

Section 7. This Ordinance shall become effective after third and final reading (the “*Effective Date*”). Upon the Effective Date, a notice of action, as required by Section 6-11-870 of the Enabling Act and substantially in the form that is attached hereto as Exhibit A, shall be published in *The Greenville News* once a week for three successive weeks.

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ENACTED AT GREENVILLE, SOUTH CAROLINA, this 18th day of April, 2017.

(SEAL)

Herman G. Kirven, Jr., Chairman
Greenville County Council

Joseph M. Kernell
County Administrator

ATTEST:

Theresa B. Kizer
Clerk to Council

First Reading: March 21, 2017
Second Reading: April 4, 2017
Public Hearing: April 18, 2017
Third Reading: April 18, 2017

EXHIBIT A – NOTICE OF ACTION

NOTICE OF ACTION

Notice is hereby given pursuant to the provisions of Sections 6-11-870 and 11-27-40(8) of the Code of Laws of South Carolina 1976, as amended, as follows:

1. Following a public hearing held on April 18, 2017, the County Council of Greenville County (the “*County Council*”), the governing body of Greenville County, South Carolina (the “*County*”), enacted that certain ordinance, entitled “AN ORDINANCE AUTHORIZING THE PELHAM-BATESVILLE FIRE DISTRICT, SOUTH CAROLINA TO ISSUE GENERAL OBLIGATION BONDS, IN ONE OR MORE SERIES; PROVIDING FOR THE PUBLICATION OF NOTICE OF THE SAID FINDINGS AND AUTHORIZATION; AND GENERALLY APPROVING OTHER MATTERS RELATING THERETO” on April 18, 2017 (the “*Ordinance*”).

2. The Pelham-Batesville Fire District, South Carolina (the “*District*”), a special purpose district located in the County and Spartanburg County, South Carolina, pursuant to the provisions of Act No. 554 of the Acts and Joint Resolutions of the General Assembly of the State of South Carolina for the year 1971, as amended, which is now codified at Title 4, Chapter 23, Article 3 of the Code of Laws of South Carolina 1976, as amended, has been authorized by the provisions of the Ordinance to issue general obligation bonds in the principal amount of \$6,500,000, in one or more series (the “*Bonds*”).

3. The County Council has determined to condition the issuance of the Bonds upon either: (i) the adoption of special legislation by the South Carolina General Assembly authorizing the District to issue the Bonds; or (ii) the result of a special election to be held in the District on the question of the issuance of the Bonds.

4. For the payment of the principal of and interest on the Bonds as they respectively mature, and for the creation of such sinking fund as may be necessary therefor, the full faith, credit and taxing power of the District will be irrevocably pledged, and there will be levied annually a tax without limit on all taxable property within the area of the District sufficient to pay the principal of and interest on the Bonds as they respectively mature, and to create such sinking fund.

5. Persons affected by the aforesaid action of the County Council may object to such action by following the procedures provided in Sections 6-11-880 or 11-27-40(8) of the Code of Laws of South Carolina 1976, as amended.