



## **PELHAM-BATESVILLE FIRE DEPARTMENT**

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### **PETITION OF THE BOARD OF FIRE CONTROL OF THE PELHAM-BATESVILLE FIRE DISTRICT TO THE GOVERNING BODIES OF GREENVILLE COUNTY, SOUTH CAROLINA AND SPARTANBURG COUNTY, SOUTH CAROLINA FOR PUBLIC HEARINGS PURSUANT TO ARTICLE 5, CHAPTER 11, TITLE 6, CODE OF LAWS OF SOUTH CAROLINA, 1976, AS AMENDED.**

1. Pelham-Batesville Fire District, South Carolina (the "*District*") was created and established as a body politic and corporate pursuant to 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. The District is located within both Greenville County, South Carolina ("*Greenville County*") and Spartanburg County, South Carolina ("*Spartanburg County*", and together with Greenville County, the "*Counties*"), and was originally established for the purpose of providing fire protection services within the boundaries of the District.

2. In carrying out its functions and duties, the Board has determined that a need exists at the present time to provide for 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 (collectively, the "*Improvements*"). The Improvements are expected to provide sufficient space, facilities and equipment to satisfy the current and projected future needs of the District as necessary to ensure the District is capable of meeting the standards of modern fire and rescue facilities. The Board estimates that the cost of the Improvements will be approximately \$6,500,000.

3. The District proposes to issue general obligation bonds of the District in the principal amount of \$6,500,000 to be issued, either as a single series or multiple series, to defray the costs of the Improvements and costs of issuance associated therewith (the "*Bonds*").

4. County councils, as the governing bodies of the counties in the State of South Carolina, are empowered by Act No. 1189, enacted at the 1974 Session of the South Carolina General Assembly and now codified as Sections 6-11-810 through 6-11-1050, inclusive, of the Code of Laws of South Carolina, 1976, as amended (the "*Enabling Act*"), to authorize the governing body of any special purpose district (in existence on March 7, 1973) to issue bonds in

furtherance of any power or function committed to such special purpose district. Pursuant to Section 6-11-830 of the Enabling Act, each county council wherein the special purpose district exists, upon petition of a governing body of a special purpose district or upon its own finding, may determine that it is in the best interest of such special purpose district to raise moneys for the furtherance of any power and function of such special purpose district and order a public hearing to be held upon the question of the issuance of general obligation bonds of such special purpose district.

5. Due to the fact that the District is located within both Greenville County and Spartanburg County, the District submits this petition to each of the Counties regarding the issuance of the Bonds under the conditions requested herein.

6. The Counties, pursuant to Section 6-11-890 of the Enabling Act, may condition their approval of the Bonds upon the results of a successful referendum to be held in the District. Upon information and belief, the Counties have policies in place that generally require the holding of a referendum as a condition precedent to the issuance of any indebtedness of a special purpose district.

7. In consideration of Section 6-11-890 of the Enabling Act, the Counties' referendum policies and the potential difficulty of holding a referendum across the District in both Counties, the District has requested for special legislation to be considered by the South Carolina General Assembly (the "*Special Legislation*") which, if adopted, will further authorize the issuance of the Bonds to finance the costs of the Improvements.

8. In lieu of the holding of a referendum, the District requests that the Counties condition the issuance of the Bonds on the successful adoption and approval of the Special Legislation.

9. Should the Special Legislation fail to be adopted, it is further requested that the approval of the Bonds by the Counties be alternatively conditioned upon the results of a referendum to be held in the District.

**WHEREFORE**, as provided in a resolution of the Board dated March 7, 2017, the Board prays that each of the County Councils order a public hearing to be held in the Counties on the question of authorizing the issuance the Bonds.

**PELHAM-BATESVILLE FIRE DISTRICT,  
SOUTH CAROLINA**

(SEAL)

  
Chairman of the Board of Fire Control

March 7, 2017