

ORDINANCE NO. _____

AN ORDINANCE FINDING THAT BERA PUBLIC SERVICE DISTRICT, SOUTH CAROLINA MAY ISSUE NOT EXCEEDING \$3,000,000 OF GENERAL OBLIGATION BONDS; TO AUTHORIZE BERA PUBLIC SERVICE COMMISSION TO ISSUE SUCH BONDS AND TO PROVIDE FOR THE PUBLICATION OF NOTICE OF THE SAID FINDING AND AUTHORIZATION.

WHEREAS, by action previously taken, the County Council (the "*County Council*") of Greenville County, South Carolina (the "*County*"), which is the governing body of the County, ordered that a public hearing on the question of the issuance of not exceeding \$3,000,000 general obligation bonds of Berea Public Service District, South Carolina (the "*District*") be held in the County Council Chambers, at 6:00 p.m. on November 1, 2022, and notice of such hearing has been duly published once a week for three successive weeks in *The Greenville News*, a newspaper of general circulation in the County; and

WHEREAS, the public hearing has been duly held at the above time, date and place and was conducted publicly and 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 the provisions of Title 6, Chapter 11, Article 5 of the Code of Laws of South Carolina, 1976, as amended (the "*Enabling Act*"), to make a finding as to whether or not the District's not exceeding \$3,000,000 of general obligation bonds should be issued.

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

Section 1. It is found and determined that each statement of fact set forth in the preambles of this Ordinance is in all respects true and correct.

Section 2. On the basis of the facts adduced at the public hearing held on November 1, 2022, it is found and determined that the Berea Public Service Commission (the "*Commission*"), the governing body of the District, should be authorized to issue not exceeding \$3,000,000 of general obligation bonds of the District.

Section 3. The County Council finds that the Commission should issue general obligation bonds of the District in the amount of not exceeding \$3,000,000 as a single issue or from time to time as several separate issues, as the District shall determine.

Section 4. The County Council hereby authorizes the Commission to issue general obligation bonds of the District in the aggregate principal amount of not exceeding \$3,000,000 as a single issue or from time to time as several separate issues, as the Commission shall determine, for the acquisition of an aerial fire truck, a pumper fire truck, a rescue fire truck, other vehicles and various items of equipment for the District.

For the payment of the principal of and interest on such 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 in the District sufficient to pay such principal of and interest on said bonds as they respectively mature, and to create such sinking fund.

Section 5. Pursuant to Section 6-11-870 of the Enabling Act, notice of the action herewith taken shall be given in the form substantially as set forth in **Exhibit A** hereto. Such notice shall be published once a week for three successive weeks in *The Greenville News*, a newspaper of general circulation in the County.

Section 6. The County Council acknowledges that the provisions of Section 4-9-1220 of the Code of Laws of South Carolina, 1976, as amended, apply to this Ordinance.

Section 7. The Chairman and other officers of the County are herewith authorized and empowered to take such further action as may be necessary to fully implement the action taken by this Ordinance.

Section 8. A certified copy of this Ordinance shall forthwith be transmitted to the Commission to advise it of the action taken by the County Council, whereby the Commission has been authorized to issue, pursuant to the provisions of the Enabling Act, its general obligation bonds in the aggregate principal amount of not exceeding \$3,000,000.

DONE AT GREENVILLE, SOUTH CAROLINA, this 15th day of November, 2022.

GREENVILLE COUNTY, SOUTH CAROLINA

Chairman of County Council

County Administrator

ATTEST:

Clerk to County Council

First Reading: October 18, 2022
Second Reading: November 1, 2022
Third Reading: November 15, 2022
Public Hearing November 1, 2022

**NOTICE PURSUANT TO SECTION 6-11-870
CODE OF LAWS OF SOUTH CAROLINA 1976, AS AMENDED**

Notice is hereby given pursuant to the provisions of Section 6-11-870 of the Code of Laws of South Carolina, 1976, as amended, and following a public hearing held on November 1, 2022 that the County Council of Greenville County has found that:

1. Berea Public Service District, South Carolina (the “*District*”), created by Act No. 848 of the Acts and Joint Resolutions of the General Assembly of the State of South Carolina for the year 1954, as amended, has been authorized to issue not exceeding \$3,000,000 of general obligation bonds of the District either as a single issue, or as several separate issues, for the acquisition of an aerial fire truck, a pumper fire truck, a rescue fire truck, other vehicles and various items of equipment for the District. For the payment of the principal of and interest on such 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 in the District sufficient to pay such principal and interest and to create such sinking fund.

2. No election has been ordered in the District upon the question of the issuance of the aforesaid bonds.

Any person affected by the action aforesaid of the County Council of Greenville County may by action *de novo* instituted in the Court of Common Pleas for Greenville County within twenty (20) days following the last publication of this Notice but not afterwards challenge the action of the County Council of Greenville County.

GREENVILLE COUNTY COUNCIL

STATE OF SOUTH CAROLINA)
)
COUNTY OF GREENVILLE)

CERTIFICATE OF ORDINANCE

I, the undersigned, Clerk to County Council of Greenville County (the "*County Council*"), **DO HEREBY CERTIFY:**

That the foregoing constitutes a true, correct and verbatim copy of an Ordinance which was given three readings on three separate days, with an interval of not less than seven days between the second and third readings. The original of this Ordinance is duly entered in the permanent records of minutes of meetings of the County Council, in my custody as such Clerk.

That each of said meetings was duly called, and all members of the County Council were notified of the same; that at least a quorum of the membership remained throughout the proceedings incident to the enactment of this Ordinance.

IN WITNESS WHEREOF, I have hereunto set my Hand, this 15th day of November, 2022.

GREENVILLE COUNTY, SOUTH CAROLINA

Clerk to County Council

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