



- (d) The Council finds that the imposition of the Tax will serve a public purpose, provide funding for the design, engineering construction and improvement of the Projects, as well as facilitate economic development, promote public health and safety, promote desirable living conditions, and meet present and future needs of the County and its citizens.
- (e) The Council has determined to order the holding of the Referendum for the purpose of submitting to the qualified electors of the County the question of the imposition of the Tax and the issuance of the Bonds.
- (f) There is presently imposed in the County a sales and use tax pursuant to the Act and a referendum held in the County on November 2, 2004 (the "Prior Tax"). The Tax may not be imposed in the County until such time as imposition of the Prior Tax has terminated in accordance with the Act.

Section 2. Adoption of Defined Terms. All terms defined by capitalization in Section 1 of this Ordinance shall have the meanings so provided throughout the remainder of this Ordinance.

Section 3. Receipt of Referendum Question. The referendum question adopted and forwarded by the Commission has been received and is acknowledged by the Council. This referendum question has been included in the Ballot appearing at Exhibit "A" attached hereto.

Section 4. Imposition of Tax: Projects; Priority of Funding.

4.1 The Tax, as authorized by the Act, is hereby imposed in the County, subject to a favorable vote of the qualified electors voting in the "Referendum.

4.2 The Tax, if approved by the Referendum, shall be imposed immediately upon the termination of the Prior Tax, and shall continue for up to seven additional years from the date of such termination, but in any case not beyond April 30<sup>th</sup> of an odd-numbered year in accordance with §4-10-340(A) of the Code.

4.3 The Newberry County Registration and Elections Commission (the “Election Authority”) shall certify not later than November 30, 2010 the results of the Referendum to the Council and, if such results are favorable to the imposition of the Tax, to the South Carolina Department of Revenue. The Council shall, by resolution, declare the results thereof.

4.4 The maximum principal amount of the Bonds to be issued pursuant to the Referendum shall not exceed \$15,625,000 excluding such premium, if any, named by the purchaser of the Bonds as a portion of the purchase price of the Bonds. The proceeds of the Tax shall be pledged to payment of the Bonds; however, earnings derived from the investment of the proceeds of the Tax, if any, shall not be so pledged and may be applied by the Council in its discretion to defray the costs of Projects or to pay debt service on the Bonds. Earnings derived from the investment of proceeds of the Bonds may be applied by the Council in its discretion to defray the costs of Projects or to pay debt service on the Bonds. Application of all such investment earnings shall be subject to the obligation of the County as issuer of the Bonds to rebate certain of such investment earnings to the United States Treasury pursuant to the provisions of §148(f) of the Internal Revenue Code of 1986, as amended, and the regulations pertaining thereto.

4.5 The maximum cost of the Projects to be funded from proceeds of the Bonds and investment earnings as described in Section 4.4 herein will not exceed \$17,509,534, except as to the funding of cost overruns, as authorized by §4-10-340(C)(1) of the Code and Section 4.6 herein. The maximum amount of proceeds of the Tax expected to be used to pay debt service on the Bonds is \$18,086,000; however, the Council recognizes that this amount is an estimate and is subject to fluctuations in interest rates.

4.6 So that the construction of many of the Projects can be commenced as soon as possible and in order to achieve the most economic and efficient use of proceeds of the Tax, the

**Priority**

**Project Description**

- 1 Piedmont Technical College: Building purchase and renovations.
- 2 City of Newberry: Replacement of water transmission line.
- 3 Newberry County Water and Sewer Authority: Upgrades to Lake Murray Water Treatment Plant and water line replacement.
- 4 Town of Prosperity: Sewer system upgrades, repairs and extensions.
- 5 Town of Whitmire: Renovation of Town Annex Building.
- 6 Town of Little Mountain: Rocky Branch Creek Trail Head.
- 7 Newberry Opera House: Renovations and repairs.
- 8 Newberry Council on Aging Senior Center: Renovation and expansion.
- 9 Town of Prosperity: Railroad Depot relocation and renovations.
- 10 Mid-Carolina Commerce Industrial Park: Water, sewer and roads.
- 11 Fire Substation: new substation on Highway 176 at Old Whitmire Rd.
- 12 Fire Substation: new substation on Belfast Rd. at Brehmer Rd.
- 13 Fire Substation: new substation on Leitzsey Rd. at New Hope Rd.

Projects not funded with proceeds of the Bonds shall be funded sequentially in the priority listed above as funds become available therefor, such funds including earnings on investment of Bond proceeds, earnings on investment of Tax proceeds, and any Tax proceeds which remain available

after sufficient funds for the payment of all then-remaining principal of and interest on the Bonds has been collected and set aside for such purpose.

4.7 As provided in §4-10-340(C)(1) of the Code, Tax proceeds collected in excess of those amounts necessary to pay debt service on the Bonds and defray the cost of Projects at the amounts shown on the Ballot must be first applied, if necessary, to complete a Project for which the Tax was imposed, that is, to pay cost overruns on Projects. Tax proceeds available to pay cost overruns shall be distributed in the order of Priority shown above in Section 4.6 to complete Projects. Likewise, investment earnings collected in excess of those amounts necessary to pay debt service on the Bonds and defray the cost of Projects at the amounts shown on the Ballot will be distributed in the order of Priority shown above in Section 4.6 to complete Projects.

4.8 It is anticipated that additional funding may be required for certain of the Projects. The sources of that additional funding were set forth in presentations made to the Commission and include the following:

(a) Piedmont Technical College will provide approximately \$2,165,000 from grants and available funds to meet land acquisition and construction costs.

(b) The City of Newberry will contribute approximately \$2,337,000 from the proceeds of a Combined Public Utility System Revenue Bond of the City to defray a portion of the cost of its water line replacement Project.

(c) No additional funds are expected to be required to fund the Town of Prosperity's sewer system upgrades. It is possible, however, that up to 90% of the cost of that component of the Projects will be defrayed through grant funds for which the Town of Prosperity has applied. Should such grant funds become available, moneys otherwise budgeted for this Project component will be available for those Projects of lesser priority.

(d) Utility and roadway improvements at Mid-Carolina Commerce Park are estimated to cost \$2,496,000. In addition to funding from the Tax and related sources, the Council expects that \$1,536,000 will be provided for this component of the Projects by grants and available funds from the County, to the extent appropriated by the Council.

Section 5. Referendum.

5.1 The Ballot to be submitted to the electors of the County in the Referendum shall be as provided in Exhibit “A” hereto.

5.2 The Election Authority shall conduct the Referendum and publish notice of the Referendum in accordance with the Act. The form of the Notice of the Referendum shall be substantially in the form as attached to this Ordinance as Exhibit “B”, together with such changes as may be approved by the Election Authority to comply with the law of the State. The Election Authority is authorized to change any of the locations of precincts or polling places for the Referendum in accordance with the law of the State as deemed necessary or advisable. Appropriate changes are to be made to the Notice of the Referendum.

Section 6. Preclearance. In order to comply with 42 U. S. C. §1973c, Section 5 of the Voting Rights Act, the County must seek preclearance from the United States Department of Justice, Voting Rights Division, for the setting of the date of the Referendum. The request for preclearance must be received by the Department of Justice more than 60 days prior to the referendum. Counsel for the County is hereby authorized to submit on behalf of the County a request for preclearance of the Referendum.

Section 7. Ordinance Forwarded to Election Authority. An executed copy of this Ordinance shall be forwarded to the Election Authority. The Election Authority is hereby requested:

- (a) To join in the action of the County in providing for the Notice of the Referendum in substantially the form contained herein;
- (b) To acknowledge and adopt the form of the Ballot;
- (c) To arrange for polling places for each precinct within the County;
- (d) To appoint Managers of Elections;
- (e) To provide a sufficient number of ballots or voting machines, as the case may be, 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 8.     Effective Date. This Ordinance shall be effective upon third and final reading thereof.

ENACTED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2010

COUNTY COUNCIL OF NEWBERRY COUNTY,  
SOUTH CAROLINA

BY: \_\_\_\_\_  
Henry H. Livingston, III, Chairman

[SEAL]

Attest:

\_\_\_\_\_  
Clerk to Council

First Reading: June 2, 2010  
Second Reading: June 16, 2010  
Public Hearing: July 7, 2010  
Third Reading: July 7, 2010

FORM OF BALLOT

OFFICIAL BALLOT, REFERENDUM  
ONE PERCENT SALES AND USE TAX AND  
\$15,625,000 GENERAL OBLIGATION BONDS  
NEWBERRY COUNTY, SOUTH CAROLINA  
November 2, 2010

Precinct No. \_\_\_\_\_

Initials of Issuing Officer \_\_\_\_\_

OFFICIAL BALLOT, REFERENDUM  
ONE PERCENT SALES AND USE TAX AND  
\$15,625,000 GENERAL OBLIGATION BONDS  
NEWBERRY COUNTY, SOUTH CAROLINA  
November 2, 2010

Question

Must a special one percent sales and use tax be imposed in Newberry County for not more than seven years to raise the amounts specified for the following purposes:

<u>No.</u>	<u>Project Description</u>	<u>Cost</u>
1	Piedmont Technical College: Building purchase and renovations.	\$5,783,100
2	City of Newberry: Replacement of water transmission line.	3,570,000
3	Newberry County Water and Sewer Authority: Upgrades to Lake Murray Water Treatment Plant and water line replacement.	2,747,700
4	Town of Prosperity: Sewer system upgrades, repairs and extensions.	889,000
5	Town of Whitmire: Renovation of Town Annex Building.	489,260
6	Town of Little Mountain: Rocky Branch Creek Trail Head.	163,151
7	Newberry Opera House: Renovations and repairs.	656,991
8	Newberry Council on Aging Senior Center: Renovation and expansion.	1,112,707
9	Town of Prosperity: Railroad Depot relocation and renovations.	124,000

10	Mid-Carolina Commerce Industrial Park: Roads, water and sewer.	930,000
11	Fire Substation: new substation on Highway 176 at Old Whitmire Rd.	571,725
12	Fire Substation: new substation on Belfast Rd. at Brehmer Rd.	216,450
13	Fire Substation: new substation on Leitzsey Rd. at New Hope Rd.	255,450

and must the County Council of Newberry County be authorized to issue not exceeding \$15,625,000 principal amount of general obligation bonds of Newberry County, provided that the proceeds of such bonds shall be applied to defray the costs of the foregoing purposes, plus issuance costs, and provided further that in the event the sales and use tax to be imposed as stated herein is inadequate for the payment of such bonds, such bonds shall be payable from an ad valorem tax imposed on all taxable property in Newberry County?

Yes [ ]

No [ ]

**INSTRUCTIONS TO VOTERS:** If you are in favor of the question, touch the screen next to the word “Yes;” if you are opposed to the question, touch the screen next to the word “No.”

\* \* \* \*

**EXHIBIT “B”**

STATE OF SOUTH CAROLINA  
COUNTY OF NEWBERRY

NOTICE OF REFERENDUM  
TO BE HELD ON TUESDAY  
NOVEMBER 2, 2010

NOTICE IS HEREBY GIVEN that a Referendum will be held in Newberry County, South Carolina (the “County”), on November 2, 2010, 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 following question:

Question

Must a special one percent sales and use tax be imposed in Newberry County for not more than seven years to raise the amounts specified for the following purposes:

<u>No.</u>	<u>Project Description</u>	<u>Cost</u>
1	Piedmont Technical College: Building purchase and renovations.	\$5,783,100
2	City of Newberry: Replacement of water transmission line.	3,570,000
3	Newberry County Water and Sewer Authority: Upgrades to Lake Murray Water Treatment Plant and water line replacement.	2,747,700
4	Town of Prosperity: Sewer system upgrades, repairs and extensions.	889,000
5	Town of Whitmire: Renovation of Town Annex Building.	489,260
6	Town of Little Mountain: Rocky Branch Creek Trail Head.	163,151
7	Newberry Opera House: Renovations and repairs.	656,991
8	Newberry Council on Aging Senior Center: Renovation and expansion.	1,112,707
9	Town of Prosperity: Railroad Depot relocation and renovations.	124,000
10	Mid-Carolina Commerce Industrial Park: Roads, water and sewer.	930,000
11	Fire Substation: new substation on Highway 176 at Old Whitmire Rd.	571,725
12	Fire Substation: new substation on Belfast Rd. at Brehmer Rd.	216,450
13	Fire Substation: new substation on Leitzsey Rd. at New Hope Rd.	255,450

and must the County Council of Newberry County be authorized to issue not exceeding \$15,625,000 principal amount of general obligation bonds of Newberry County, provided that the proceeds of such bonds shall be

applied to defray the costs of the foregoing purposes, plus issuance costs, and provided further that in the event the sales and use tax to be imposed as stated herein is inadequate for the payment of such bonds, such bonds shall be payable from an ad valorem tax imposed on all taxable property in Newberry County?

The question is being submitted pursuant Title 4, Chapter 10, Article 3, Code of Laws of South Carolina, 1976 as amended, and an ordinance of the County Council of Newberry County enacted on \_\_\_\_\_, 2010. The referendum question includes both the imposition of a sales and use tax and the issuance of general obligation bonds. If a majority of the qualified electors of the County voting in the Referendum vote in favor of the question, a one percent sales and use tax will be imposed in Newberry County for not more than seven years immediately upon termination of a sales and use tax now imposed in the County pursuant to a referendum held on November 2, 2004, and the County Council of Newberry County will be authorized to issue not exceeding \$15,625,000 principal amount of general obligation bonds of Newberry County to defray the costs of the projects listed above and issuance costs. The principal receipts from the sales and use tax will be first applied to pay the debt service on such bonds, with any remaining amount available, along with investment earnings, to defray the costs of those purposes set forth in the ballot question.

Every person offering to vote must be at least eighteen (18) year of age, must reside in the County 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 his or her registration certificate or valid South Carolina driver's license or other form of identification containing a photograph issued by the South Carolina Department of Motor Vehicles, if not licensed to drive. Any persons wishing to register to vote in the Referendum, if registering by mail, must have such registration postmarked not later than October 3, 2010, to the Newberry County Registration and Election Commission, P. O. Box 147, Newberry, South Carolina 29108-0147, telephone (803) 321-2121, or, if registering to vote in person, must do so by no later than \_\_\_\_\_ p.m. on October \_\_\_\_\_, 2010.

Any such 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 in his or her previous precinct of residence in the Referendum; provided, however, in case any registered elector shall have moved from one precinct in the County to another precinct in the County within thirty days prior to November 2, 2010, and shall have surrendered his registration certificate and has received a new certificate, such elector may vote in the precinct provided for by such new certificate. Persons who become of age during the 30 day period preceding the Referendum shall be entitled to register before the closing of the books if otherwise qualified.

Any person eligible to register to vote in the Referendum who has been discharged or separated from his service in the Armed Forces of the United States prior to November 2, 2010, and has returned home too late to register at the time when registration is required, is entitled to register for the purpose of voting in the Referendum after the discharge or separation from service, up to 5:00 p.m. on the day of the Referendum. This application for registration must be made at the office of the Newberry County Registration and Elections Commission, and if qualified, the person must be issued a registration notification stating the precinct in which he is entitled to vote and a certification to the managers of the precinct that he is entitled to vote and should be placed on the registration rolls of the precinct.

The polls shall be open from 7:00 a.m. until 7:00 p.m. at the polling places designated below and shall be open during these hours without intermission or adjournment. Appropriate vote recorders will be provided at the polling places for the casting of ballots on the aforesaid question. Managers of Election will be appointed by the Newberry County Registration and Elections Commission. The Managers of Election shall see that each person offering to vote takes the oath that he is qualified to vote at this election according to the Constitution of this State, and that he has not voted before in this election. The precincts within the County and locations of the several polling places for such Referendum are as follows:

<b>Precinct Number</b>	<b>Name</b>	<b>Location</b>
001	Newberry Ward 1	Courthouse Annex, 1309 College St.
002	Newberry Ward 2	Serenity Chapel, 1109 Speers St.
003	Newberry Ward 3	Boundary Street School, 1405 Boundary St.
004	Newberry Ward 4	Old Gallman / Infinity Elem School, 540 Brantley St.
005	Newberry Ward 5	Mayer Memorial Church, 1307 Drayton St.
006	Newberry Ward 6	Newberry County Career Center, 3321 Main St.
010	Beth-Eden	Woodmen of the World Building, 1420 Civitan Rd.
011	Bush River	Bush River School, 9725 Bush River Rd.
013	Chappells	Chappells Fire Station, 3218 SC Highway 39
015	Fairview	Fairview Fire Station, 149 Seibert Rd.
017	Hartford	Church Of Jesus Christ of Latter Day Saints, 2112 Glenn St. Ext., Newberry
018	Helena	Helen Community Center, 902 Giff St.
019	Kinards-Jalapa	Bush River Fire Station, 5627 Bush River Rd
020	Johnstone	Piedmont Tech, 550 Wilson Rd.
023	Little Mountain	FD/Rescue Center, 219 N. Boundary St, Little Mountain
025	Maybinton	Fire Substation, 296 Tyger River Rd.
026	Midway	Old Mid-Carolina High School, 6794 US 76
027	Mt Bethel Garmany	New Natl. Guard Armory, 275 General Henderson Rd .
028	Consolidated #5	3464 SC Hwy 34, Pomaria
030	O'Neal	O'Neal Fire Station, 1350 Ira Kinard Rd.
031	Oakland	Union Hall, 980 First St.
034	Peak	Town Hall/FD Complex 56 River St, Peak
035	Pomaria	Pomaria Recreation Center, 138 Folk St.
036	Prosperity	Prosperity Civic Center, 250 School Dr.
039	Silverstreet	Silverstreet Comm Ctr, 1233 Main St.
040	Stoney Hill	Stoney Hill Comm Ctr, 3044 Stoney Hill Rd.
042	St. Phillips/Jollystreet	St Phillips Fire Station, 166 Mud Creek Rd.
048	Wheeland	Community Ctr, 1128 Wheeland School Rd.
049	Whitmire City	Whitmire Fire Station, 199 Gilliam St.
050	Whitmire Outside	Whitmire Fire Station, 199 Gilliam St.
	Barrier Free/Absentee	1927 Wilson Road, Newberry

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 employer, an agent of his employer, or an officer or agent of his 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

Managers will help voters effectuate this curbside voting provision. Registered voters may be eligible to vote by absentee ballot. Persons wishing more information concerning absentee balloting should contact the Newberry County Registration and Elections Commission at (803) 321-2121.

The Newberry County Registration and Elections Commission shall hold a hearing on Ballots challenged in the election on Thursday, November 4, 2010 at \_\_\_\_:00 a.m., at \_\_\_\_\_, Newberry, South Carolina

Chairman, Newberry County Council

Chair, Newberry County Registration and  
Elections Commission

\* \* \* \*