

AN ORDINANCE

FINDING THAT DUNCAN CHAPEL FIRE DISTRICT MAY CONDITIONALLY ISSUE NOT EXCEEDING \$1,500,000 GENERAL OBLIGATION BONDS; TO AUTHORIZE THE BOARD OF FIRE CONTROL OF DUNCAN CHAPEL FIRE DISTRICT TO ISSUE SUCH BONDS AND TO PROVIDE FOR THE PUBLICATION OF NOTICE OF THE SAID FINDINGS AND AUTHORIZATION; AND OTHER MATTERS RELATING THERETO.

WHEREAS, by action previously taken, the County Council of Greenville County (the “*County Council*”), the governing body of Greenville County, South Carolina (the “*County*”), ordered a public hearing on the question of the conditional issuance of not exceeding \$1,500,000 general obligation bonds of Duncan Chapel Fire District, South Carolina (the “*Bonds*”) in order to defray (A) the costs of: (i) constructing and equipping a new fire station facility, including any costs incurred in acquiring any real property therefor, (ii) capital improvements to the District’s existing fire station facility, including, but not limited to, additions, renovations, and enlargements, and (iii) acquiring and equipping fire apparatuses, including, without limitation, one pumper truck (collectively, the “*Improvements*”), and (B) the costs of issuance of the Bonds (the “*Costs of Issuance*”); and

WHEREAS, a public hearing was held in the County Council Chambers at County Square located at 301 University Ridge, Greenville, South Carolina 29601, at 6:00 p.m. on August 20, 2013, and notice of such hearing was duly published once a week for three successive weeks in The Greenville News; and

WHEREAS, the hearing was duly held at the above time, date and place and was conducted publicly and both proponents and opponents of the proposed action were given a 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 Act No. 1189, enacted at the

1974 Session of the South Carolina General Assembly and approved July 9, 1974, now codified as Article 5 of Chapter 11 of Title 6 (Sections 6-11-810 through 6-11-1040, inclusive) of the Code of Laws of South Carolina, 1976, as amended (the “**Enabling Act**”), to make a finding as to whether or not the Bonds should be conditionally issued by Duncan Chapel Fire District, South Carolina (the “**District**”).

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 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 August 20, 2013, it is found and determined that the Board of Fire Control of Duncan Chapel Fire District (the “**Board**”), the governing body of the District, should be authorized to provide for the issuance of the Bonds by the District, subject to the results of a special election held in the District pursuant to Section 6-11-890 of the Code of Laws of South Carolina, 1976, as amended (the “**Referendum**”).

Section 3. If the results of the Referendum are favorable, the County Council hereby authorizes the Board to provide for the issuance of the Bonds in the aggregate principal amount of not exceeding \$1,500,000 as a single issue or from time to time as several separate issues, as the Board shall determine, for the purpose of defraying the costs of the Improvements and the Costs of Issuance. For the payment of the principal of and interest on the Bonds as they respectively mature, and for the creation of a 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 sufficient to pay such principal of and interest on the Bonds as they respectively mature, and to create such sinking fund, as necessary.

Section 4. The Greenville County Election Commission (the “*Election Commission*”) is hereby directed to hold the Referendum on November 5, 2013 in the District, on which date the question shall be submitted substantially in the form as follows to all persons residing in the District qualified to vote under Constitution and laws of the State of South Carolina:

Question:

Shall the Board of Fire Control of Duncan Chapel Fire District, South Carolina, be empowered to issue, either at one time as a single issue or from time to time as several separate issues, general obligation bonds of the District in the total principal amount not to exceed \$1,500,000, the proceeds of which shall be used for the purpose of constructing and equipping a new fire station facility, renovating, equipping and expanding the existing fire station facility, and acquiring and equipping fire apparatuses, including, without limitation, one pumper truck and for the purpose of paying the costs of issuance of such bonds?

Vote for only one of the following:

Yes, in favor of the issuance of bonds []

No, opposed to the issuance of bonds []

If you are in favor of the issuance of bonds, place a check or cross-mark in the square after the words “Yes, in favor of the issuance of bonds”; if you are opposed to the question, place a check or cross-mark in the square after the words “No, opposed to the issuance of bonds”.

The Election Commission is hereby authorized to publish notice of the Referendum in accordance with Sections 4-15-50 and 7-13-35 of the Code of Laws of South Carolina, 1976, as amended. Upon receipt of the returns of the Referendum, the Election Commission should certify the results thereof.

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

Section 6. A certified copy of this Ordinance shall be transmitted to the Board to advise it of the action taken by the County Council, whereby the Board has been authorized to issue, subject to the Referendum and pursuant to the provisions of the Enabling Act, the Bonds in the aggregate principal amount of not exceeding \$1,500,000.

DONE AT GREENVILLE, SOUTH CAROLINA, this 17th day of September, 2013.

(SEAL)

Chairman, County Council of
Greenville County, South Carolina

Attest:

Clerk to County Council of
Greenville County, South Carolina

First Reading: July 16, 2013
Second Reading: August 20, 2013
Public Hearing: August 20, 2013
Third Reading: September 17, 2013

STATE OF SOUTH CAROLINA
COUNTY OF GREENVILLE

I, the undersigned, Clerk to Council of Greenville County, South Carolina (the “*County*”), DO HEREBY CERTIFY THAT:

The foregoing constitutes a true, correct and verbatim copy of an ordinance (the “*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 the Ordinance is duly entered in the permanent records of minutes of meetings of the County Council of Greenville County, the governing body of the County (the “*County Council*”), in my custody as such Clerk to County Council.

Each of said meetings was duly called, and all members of the County Council were notified of the same; that all a quorum of the membership attended and remained throughout the proceedings incident to the adoption of the Ordinance.

As required by Chapter 4, Title 30 of the Code of Laws of South Carolina, 1976, as amended, a notice of each meeting (including the date, time, and place thereof, as well as an agenda) was posted prominently in the offices of the County at least twenty-four hours prior to said meetings. In addition, the local news media and all persons requesting notification of meetings of the County Council were notified of the time, date, and place of such meetings, and were provided with a copy of the agendas therefore at least twenty-four hours in advance of such meetings.

The original of the Ordinance is duly entered in the permanent records of the County, in my custody as Clerk to County Council. The Ordinance is now of full force and effect, and has not been modified, amended or repealed.

IN WITNESS WHEREOF, I have hereunto set my hand and the official seal of the County, this ___ day of September, 2013.

(SEAL)

Clerk to County Council
Greenville County, South Carolina

First Reading: July 16, 2013
Second Reading: August 20, 2013
Public Hearing: August 20, 2013
Third Reading: September 17, 2013