
A RESOLUTION

ORDERING A REFERENDUM IN DUNCAN CHAPEL FIRE DISTRICT, SOUTH CAROLINA, TO SUBMIT THE QUESTION OF WHETHER THE DISTRICT SHALL ISSUE NOT EXCEEDING \$1,500,000 TOTAL PRINCIPAL AMOUNT GENERAL OBLIGATION BONDS; PROVIDING FOR THE FORM OF BALLOTS TO BE USED; PROVIDING FOR NOTICE OF THE REFERENDUM; AND PROVIDING FOR ALL OTHER THINGS NECESSARY TO SUBMIT THE AFORESAID QUESTION.

Adopted By

Board of Fire Control of the Duncan Chapel Fire District, South Carolina

June 25, 2013

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A RESOLUTION

BE IT RESOLVED BY THE BOARD OF FIRE CONTROL OF DUNCAN CHAPEL FIRE DISTRICT, SOUTH CAROLINA, IN A MEETING DULY ASEMBLED:

SECTION 1. Findings. Incident to the adoption of this resolution (this "**Resolution**"), the Board of Fire Control (the "**Board**"), the governing body of Duncan Chapel Fire District, South Carolina (the "**District**"), has made the following findings of fact:

(a) The District was created as a special purpose district established in Greenville County, South Carolina, as a body politic and corporate pursuant to the provisions of Act No. 1027 of the Acts and Joint Resolutions of the General Assembly of the State of South Carolina for the year 1970, as amended.

(b) Article X, Section 14 of the Constitution of the State of South Carolina, 1895, as amended (the "**Constitution**"), provides that political subdivisions of the State shall have the power to incur bonded indebtedness in such manner and upon such terms and conditions as the General Assembly may have heretofore or may hereafter prescribe.

(c) Article X, Section 14, subsection (6) of the Constitution provides that if general obligation debt is authorized by a majority vote of the qualified electors of the District voting in a referendum authorized by law, there shall be no conditions or restrictions limiting the incurring of such indebtedness except (i) those restrictions and limitations imposed in the authorization to incur such indebtedness; (ii) such general obligation debt shall be issued within five years of the date of such referendum; and (iii) general obligation debt may be incurred only for a purpose which is a public purpose and which is a corporate purpose of the District and such debt shall mature within forty years from the time such indebtedness shall be incurred.

(d) Act No.1189 of the 1974 Acts and Joint Resolutions of the General Assembly of the State of South Carolina ("**Enabling Act**") authorizes the issuance of general obligation bonds by special purpose districts and conditions the same upon the prior approval by the governing body of the county in which such special purpose district is located. By Ordinance, which is set to be considered for adoption on _____, 2013 (the "**Ordinance**"), by the County Council of Greenville County, the governing body of Greenville County, will authorize the issuance of not exceeding \$1,500,000 general obligation bonds of the District, as a single issue or from time to time as several separate issues, as the Board shall determine, 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 such general obligation bonds. Upon its adoption, the

Ordinance will provide that the bonds thereby authorized will not be issued unless also approved by referendum held within the District.

(e) It is in the best interest of the District for the Board to order a referendum to be held in the District to submit to the qualified electors of the District the question of whether the District shall be empowered to issue not exceeding \$1,500,000 total principal amount of general obligation bonds for the purpose of funding the costs of the Improvements and paying related costs such as architectural and engineering fees and costs of issuance of such bonds, including counsel fees.

(f) In order to comply with 42 U.S.C. § 1973c, Section 5 of the Voting Rights Act, the Board 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 sixty (60) days prior to the referendum.

(g) The Board finds that the construction of the Improvements needs to be undertaken as soon as feasible, and has therefore determined that a referendum shall be held on November 5, 2013. Therefore, the Board has determined to adopt this Resolution to order the holding of a referendum on November 5, 2013, to authorize the submission of a request for preclearance pursuant to the Voting Rights Act, to prescribe the form of notice of election, and to authorize publication of the same.

SECTION 2. Order to Hold Referendum. Pursuant to the aforesaid provisions of the Constitution and laws of the State of South Carolina, there is hereby ordered a referendum to be held in the District (the "**Referendum**") on November 5, 2013, at which Referendum there shall be submitted to all persons residing in the District and qualified to vote under the Constitution and laws of the State of South Carolina the question of whether the District shall be empowered to issue not exceeding \$1,500,000 total principal amount of general obligation bonds for the purpose of funding the costs of the Improvements and paying related costs. The form of the question to be submitted is set forth in Appendix A hereto.

SECTION 3. Voting, Polling Places and Hours of Election. The referendum shall be conducted by the Greenville County Election Commission, South Carolina (the "**Commission**"). The polls shall be opened at seven o'clock in the forenoon and closed at seven o'clock in the afternoon on the date fixed for the Referendum and shall be held during said hours without intermission or adjournment. The voting precincts and polling places for each of such precincts shall be such precincts and polling places as established by law wholly or partially within the District.

SECTION 4. Ballots. The Commission is requested to conduct the Referendum in accordance with State law. Upon approval by the Commission, the form of ballots to be used in the Referendum and the instructions to voters appearing thereon shall be in substantially the form set forth in Appendix A with such other changes as may be deemed necessary by the Chairman of the Board upon consultation with the Chair of the Commission.

SECTION 5. *Qualifications of Voters.* Every person offering to vote must be at least 18 years of age on the date of the Referendum, must reside in the District and must be duly registered on the books of registration for Greenville County, South Carolina 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 one of the following forms of identification: (i) a South Carolina driver's license; (ii) an identification card issued by the South Carolina Department of Motor Vehicles; (iii) a South Carolina voter registration card with photo; (iv) a federal military identification card; or (v) a United States Passport.. Any registered elector who meets the requirements set forth in the preceding sentence and who has moved his or her place of residence within the District 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.

SECTION 6. *Notice of Referendum.* A Notice of Referendum ("*Notice of Referendum*"), substantially in the form set forth in Appendix B, shall be published in compliance with the provisions of Sections 7-13-35 and 4-15-50, of the Code of Laws of South Carolina, 1976, as amended, viz., not less than sixty (60) days prior to the Referendum, not later than two weeks after such first notice is published, and once not less than fifteen (15) days prior to the occasion set for the holding of the Referendum.

Additionally, the Enabling Act requires that the District provide notice of the referendum ten days prior to the date such referendum authorizing the bonds is set to occur. For purposes herein, the notice attached at Appendix B and published not less than sixty (60) days prior to the Referendum, not later than two weeks after such first notice is published, and once not less than fifteen (15) days prior to the occasion set for the holding of the Referendum is sufficient notice to also comply with the provisions of the Enabling Act.

The Commission is authorized to change any of the locations of polling places for the Referendum in accordance with State law as deemed necessary or advisable. Appropriate changes are to be made to the Notice of Referendum.

SECTION 7. *Registration and Elections Board.* A certified copy of this Resolution shall be filed with the Commission, and the Commission is hereby requested as follows:

- (a) To join in the action of the District in providing for the Notice of Referendum and the ballot in substantially the form contained herein;
- (b) To prescribe the form of ballot to be used in the Referendum;
- (c) To arrange for polling places for each precinct, or any part of a precinct within the District;
- (d) To appoint Managers of Election;
- (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 Board; 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. Preclearance Application. Request for a preclearance of the Referendum pursuant to the Section 5 of the Voting Rights Act shall be submitted on behalf of the District in timely fashion by counsel.

DONE IN MEETING DULY ASSEMBLED this 28 day of June, 2013.



(SEAL)

DUNCAN CHAPEL FIRE DISTRICT
BOARD OF FIRE CONTROL

Melvin M. Pice
Chairman

Melvin M. Pice

ATTEST:

Billy W. D. Addis
Secretary

Billy W. D. Addis

**APPENDIX A
FORM OF BALLOT**

OFFICIAL BALLOT, REFERENDUM
\$1,500,000 GENERAL OBLIGATION BONDS
DUNCAN CHAPEL FIRE DISTRICT, SOUTH CAROLINA
November 5, 2013

Precinct _____
No. _____

Initials of Issuing Officer

OFFICIAL BALLOT, REFERENDUM
\$1,500,000 GENERAL OBLIGATION BONDS
DUNCAN CHAPEL FIRE DISTRICT, SOUTH CAROLINA
November 5, 2013

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?

Yes, in favor of the question []

No, opposed to the question []

If you are in favor of the question, place a check or cross-mark in the square after the words "In favor of the question"; if you are opposed to the question, place a check or cross-mark in the square after the words "Opposed to the question."

APPENDIX B
FORM OF NOTICE OF REFERENDUM

NOTICE OF REFERENDUM
\$1,500,000 GENERAL OBLIGATION BONDS
GREENVILLE COUNTY DISTRICT NO. 1, SOUTH CAROLINA

NOTICE IS HEREBY GIVEN that a Referendum will be held in Duncan Chapel Fire District, South Carolina (the “*District*”), on November 5, 2013, for the purpose of submitting to all persons qualified to vote in the District pursuant to the Constitution and laws of the State of South Carolina the following question:

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??

Yes, in favor of the question []

No, opposed to the question []

If you are in favor of the question, place a check or cross-mark in the square after the words “In favor of the question”; if you are opposed to the question, place a check or cross-mark in the square after the words “Opposed to the question.”

The question is being submitted pursuant to Article X, Section 14 of the Constitution of the State of South Carolina, 1895, as amended, , Title 6, Chapter 11, Article 3, Code of Laws of South Carolina, 1976, as amended, and Title 4, Chapter 15, Code of Laws of South Carolina, 1976, as amended, an Ordinance adopted by Greenville County Council on _____, 2013, and a resolution of the Duncan Chapel Fire District Board of Fire Control of the District adopted _____, 2013. If a majority of the qualified electors of the District voting in the Referendum approve the issuance of the note exceeding \$1,500,000 general obligation bonds, such bonds may be issued by the District either at one time as a single issue or from time to time as several separate issues. The proceeds of the bonds which are submitted under the question will 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, together with all related costs such as architectural and engineering fees and costs of issuance of such bonds.

Every person offering to vote must be at least 18 years of age on the date of the Referendum, must reside in the District and must be duly registered on the books of registration for Greenville 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 one of the following forms of identification: (i) a South Carolina driver's license; (ii) an identification card issued by the South Carolina Department of Motor Vehicles; (iii) a South Carolina voter registration card with photo; (iv) a federal military identification card; or (v) a United States Passport. Any person wishing to register to vote in this election, if registering by mail, must have such registration postmarked not later than October 6, 2013, to the Greenville County Elections Commission, 301 University Ridge, Suite 1900, Greenville, SC 29601, or, if registering to vote in person, must do so by no later than October 6, 2013. Any such registered elector who has moved his or her place of residence within the District 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 District to another precinct in the District within thirty (30) days prior to November 5, 2013, 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 thirty (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 5, 2013, 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 Greenville County 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 Registration and Elections Board of Greenville County. 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 (or portions thereof) within the District and locations of the several polling places for such Referendum are as follows:

Precinct

Polling Place

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 Greenville County Elections Commission at 864-467-7250.

The Greenville County Elections Commission shall hold a hearing on ballots challenged in the election on Friday, November 8, 2013, at 10:00 a.m., at the office of the Greenville County Elections Commission, Greenville County Square, 301 University Ridge, Suite 1900, Greenville, South Carolina 29601. The process of examining the return-addressed envelopes containing absentee ballots will begin at 2:00 p.m. on November 5, 2013.

BY ORDER OF THE DUNCAN CHAPEL FIRE DISTRICT BOARD OF FIRE CONTROL AND THE GREENVILLE COUNTY ELECTIONS COMMISSION

STATE OF SOUTH CAROLINA)
)
COUNTY OF GREENVILLE)

I, the undersigned, Secretary of the Board of Fire Control of Duncan Chapel Fire District, South Carolina (the "***Duncan Chapel Fire District Board of Fire Control***"), do hereby certify that attached hereto is a true, correct and verbatim copy of a Resolution duly adopted on June 28, 2013, by the Duncan Chapel Fire District Board of Fire Control, having been read at a duly called and properly held meeting at which a quorum of members attended and remained present throughout.

The Resolution is now in full force and effect.

WITNESS my hand this 28 day of June, 2013.



Billy W. O. Addis
Secretary,
Duncan Chapel Fire District Board of Fire Control
Billy W. O. Addis