

(c) The Commission has considered proposals for funding capital projects within the County and by action taken on April 23, 2018 (the "Commission Action") has approved the projects and facilities described below (the "Projects"), estimated the costs of the Projects, identified the purposes for which the proceeds of the Tax shall be used, established the priority in which the proceeds of the Tax, net of amounts retained by the South Carolina Department of Revenue for administrative costs (the "Net Proceeds"), are to be expended for the purposes stated, all as follows:

<u>Project Description</u>	<u>Cost</u>
Acquisition (including, if necessary, the acquisition of real property), constructing, furnishing, and equipping a new Darlington County Judicial Center and Darlington County Administration Building, either as a single facility or two facilities, and either by new construction in whole or in part or renovation of existing facilities in whole or in part	\$20,000,000

The Commission has further established that the maximum time for which the Tax should be imposed to be four (4) years, established the cost of the Projects to be funded, and formulated the referendum question that is to appear on the ballot pursuant to §4-20-330(D) of the Act.

(d) So that the construction of all of the Projects can be commenced as soon as possible and in order to achieve the most economic and efficient use of Net Proceeds, Council has determined that it is in the best interest of the residents of the County to issue general obligation bonds (the "Bonds") and utilize the Net Proceeds to first pay the principal, redemption premium, if any, and interest on the Bonds and second, to pay any additional costs of the Projects. It is anticipated that all Net Proceeds of the Tax will be applied to the Projects, and that the maximum cost of the Projects will not exceed \$20,000,000.

(e) The Council finds that the Tax should be imposed within the County for a period not to exceed four (4) years from the date of imposition thereof in order to achieve the funding of the Projects.

(f) 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 promote public safety, facilitate the administration of justice and meet present and future needs of the County and its residents.

TRUE CERTIFIED COPY,
Scott B. Suggs
 CLERK OF COURT/RMG
 DARLINGTON COUNTY, SC

(g) Article X, §14 of the Constitution of the State of South Carolina, 1895, as amended (the “Constitution”), provides that the 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 by general law. Article X, §14(7) of the Constitution authorizes the political subdivisions of the State to incur general obligation debt in an amount not exceeding eight percent of the assessed value of all taxable property of such political subdivision.

(h) Article X, §14(5) of the Constitution provides that if general obligation debt is authorized by a majority vote of the qualified electors of a political subdivision 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 political subdivision and such debt shall mature within forty years from the time such indebtedness shall be incurred.

(i) The Council has determined to order the holding of a referendum for the purpose of submitting to the qualified electors the question of the issuance of the Bonds in amount sufficient to defray a portion of the cost of the Projects, capitalized interest on the Bonds, if necessary, and pay costs of issuance of the Bonds (the “Bond Referendum”). Bonds issued pursuant to the favorable results of such referendum are not included in the computation of the County’s debt limit.

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 Commission Resolution. The Commission Resolution has been received by the Council.

TRUE CERTIFIED COPY.
Scott B. Suggs
CLERK OF COURT/RMG
DARLINGTON COUNTY, SC

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 all qualified electors voting in a referendum on the imposition of the Tax to be held in the County on November 6, 2018 (the "Tax Referendum").

4.2 The Tax, if approved by the Tax Referendum, shall be imposed beginning May 1, 2019, and shall continue for four years from the date of imposition.

4.3 If the Tax Referendum results are in favor of the imposition of the Tax, the Darlington County Registration and Elections Commission (the "Election Authority") shall certify in timely fashion the results to the Council and to the South Carolina Department of Revenue. The Council shall, by resolution, declare the results thereof.

4.4 In accordance with the Commission Resolution, the design, engineering, construction, expansion, improvement, or acquisition of the Projects, which are set forth in the ballot question at Section 5.2 below, shall be undertaken in accordance with the Act. In the event Bonds are issued and the Tax is used to pay the debt service on the Bonds, the Projects should be undertaken simultaneously to the extent feasible, taking into account capitalized interest. In the event that proceeds of the Bonds are insufficient to defray the cost of all Projects, such proceeds shall be applied to permit the undertaking of as many Projects as may be fully funded with such proceeds, taking into account capitalized interest.

Section 5. Capital Project Tax and Bond Referendum; Ballot Question.

5.1 The Election Authority is requested to conduct the Tax and Bond Referendum and publish notice of the Tax and Bond Referendum in accordance with the Act and State law, including without limitation Sections 7-13-35 and 4-15-50 of the Code, viz., not less than 60 days prior to the Referendum, not later than two weeks after such first notice is published, and once not less than 15 days prior to the occasion set for the holding of the Tax and Bond Referendum.. The form of the Notice of the Tax and Bond Referendum is attached to this Ordinance as Exhibit "A." The Election Authority is authorized to change any of the locations of precincts or polling places for the Tax and Bond Referendum

in accordance with State law as deemed necessary or advisable. Appropriate changes are to be made to the Notice of the Tax and Bond Referendum.

5.2 The referendum question to be on the ballot shall read substantially as follows:

“Must a special one percent sales and use tax be imposed in Darlington County for not more than four (4) years to raise \$20,000,000 for the cost of acquisition (including, if necessary, the acquisition of real property), constructing, furnishing, and equipping a new Darlington County Judicial Center and Darlington County Administration Building, either as a single facility or two facilities, and either by new construction in whole or in part or renovation of existing facilities in whole or in part?

And must Darlington County Council be authorized to issue not exceeding \$20,000,000 principal amount of general obligation bonds of Darlington 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 even 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 Darlington County?”

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.”

5.3 For the payment of the principal and interest on the Bonds, the County shall pledge its full faith credit and taxing power and, in addition, the receipts from the imposition of the Tax. If the collections of the Tax are insufficient for the payment of the principal and interest on the Bonds, such insufficiency shall be paid from investment earnings on the Bond proceeds and ad valorem property taxes levied on all taxable property in the County.

Section 6. 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 Notices of the Tax Referendum and Bond Referendum (the “Referendum”) in substantially the form contained herein;
- (b) To acknowledge and adopt the forms of ballot to be used in the Referendum ordered to be held by this Ordinance;
- (c) To arrange for polling places for each precinct within the County;
- (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 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 7. Effective Date. This Ordinance shall be effective upon third and final reading thereof.

ENACTED THIS 2nd DAY OF July, 2018.

COUNTY COUNCIL OF DARLINGTON COUNTY,
SOUTH CAROLINA

BY: 
Bobby Hudson, Chairman

[SEAL]

Attest:


J. Janet Bishop, Clerk to Council

First Reading: May 7, 2018
Second Reading: June 4, 2018
Public Hearing: June 4, 2018
Third Reading: July 2, 2018

**STATE OF SOUTH CAROLINA
COUNTY OF DARLINGTON**

**NOTICE OF REFERENDUM
TO BE HELD ON TUESDAY
NOVEMBER 6, 2018**

NOTICE IS HEREBY GIVEN that a Referendum will be held in Darlington County, South Carolina (the "County"), on November 6, 2018, 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:

"Must a special one percent sales and use tax be imposed in Darlington County for not more than four (4) years to raise \$20,000,000 for the cost of acquisition (including, if necessary, the acquisition of real property), constructing, furnishing, and equipping a new Darlington County Judicial Center and Darlington County Administration Building, either as a single facility or two facilities, and either by new construction in whole or in part or renovation of existing facilities in whole or in part?

And must Darlington County Council be authorized to issue not exceeding \$20,000,000 principal amount of general obligation bonds of Darlington 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 Darlington County?"

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."

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 Darlington County enacted on July __, 2018. If a majority of the qualified electors of the County voting in the Referendum approve the imposition of a one percent sales tax in Darlington County for not more than four (4) years, such tax will be imposed in the County beginning May 1, 2019. At the referendum of the question stated above, qualified electors will also vote on the question of the issuance of \$20,000,000 general obligation bonds. If the vote on the bonds is favorable, such bonds will be issued in the maximum amount of \$20,000,000 and the proceeds of such bonds will be used to pay for the projects. In such event, the receipts from the sales and use tax will be used to pay the debt service on such bonds.

Every person offering to vote must be at least eighteen (18) years 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 this election, if registering by mail, must have such registration postmarked not later than October __, 2018, to the Darlington County Registration and Elections Commission, _____, Darlington, South Carolina _____, telephone (843) _____, or, if registering to vote in person, must do so by no later than ____ p.m. on October __, 2018.

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 6, 2018, 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 6, 2018, 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 Darlington 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 Darlington 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 (or portions thereof) within the County 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 Darlington County Registration and Elections Commission at (843)

_____.

The Darlington County Registration and Elections Commission shall hold a hearing on ballots challenged in the election on Thursday, November ____, 2018 at __:00 a.m., at _____, Darlington, South Carolina.

Chairman, Darlington County Council

Darlington County Registration and Elections Commission

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