



**NEWBERRY COUNTY COUNCIL
COUNTY COUNCIL AGENDA
Newberry Courthouse Annex
1309 College Street, Newberry, SC 29108
September 03, 2025
6:00 P.M.**

Call to order: Robert Shealy, Chairman.
Invocation and Pledge of Allegiance: Robert Shealy, Chairman.

1. Adoption of Consent Agenda:
 - a. Newberry County Economic Development Committee Minutes – August 18, 2025.
 - b. Newberry County Council Work Session Minutes – August 20, 2025.
 - c. Newberry County Council Meeting Minutes – August 20, 2025.
2. Additions, Deletions & Adoption of the Agenda.
3. Special Recognition:
 - a. Fairview Fire Department.
 - b. Lake Murray Rescue Squad.
4. Consideration of a motion to accept a surety bond for the roads within Stewart Landing Subdivision - Stewart Landing Drive, Shoreview Drive, and Timber Trail Lane - into the Newberry County Public Road System.
5. Ordinance No. 07-01-2025. An Ordinance authorizing the acceptance of roads within Stewart Landing Subdivision - Stewart Landing Drive, Shoreview Drive, and Timber Trail Lane - into the Newberry County Public Road System.
 - a. Third Reading.

6. Ordinance No. 09-01-2025. An Ordinance to provide for the issuance and sale of a general obligation bond of Newberry County, South Carolina not exceeding \$405,000 in principal amount, to prescribe the purposes for which the proceeds of said bond shall be expended, to provide for the payment of said bond, and other matters relating thereto.
 - a. First Reading.
7. Ordinance No. 09-02-2025. An Ordinance authorizing the execution of an equipment lease-purchase agreement in an amount not exceeding \$2,100,000 relating to the purchase of certain equipment by Newberry County, authorizing the execution of other necessary documents and papers, and other matters relating thereto.
 - a. First Reading.
8. County Council may take action on matters discussed during the 5:00 pm executive session.
9. Appointments.
 - a. Board of Rural Fire Control – Friendly Fire Department.
 - b. Westview Behavioral Health Board – District 7.
10. Public Comments (Three Minutes).
11. Comments/Requests from County Administrator.
12. Comments/Requests from Council.
13. Future meetings:
 - a. Newberry County Council Work Session – September 17 at 5 p.m.
 - b. Newberry County Council – September 17 at 6 p.m.
 - c. Newberry County Finance Committee – September 22 at 5 p.m.
 - d. Newberry County Council Work Session – October 1 at 5 p.m.
 - e. Newberry County Council – October 1 at 6 p.m.
14. Adjournment.

NEWBERRY COUNTY COUNCIL ECONOMIC DEVELOPMENT COMMITTEE
MINUTES
August 18, 2025

Newberry County Council Economic Development Committee met on Monday, August 18, 2025, at 5:00 p.m. in Council Chambers at the Courthouse Annex, 1309 College Street, Newberry, SC, for a regular scheduled meeting.

Notice of the meeting was duly advertised, as required by law.

PRESENT: Karl Sease, Committee Chair
Travis Reeder, Committee Member
Robert N. Shealy, Committee Member
Jeff Shacker, County Administrator
Rick Farmer, Economic Development Director
Jessie Long, Economic Development Coordinator

Eric Nieto, I.T. Director
Andrew Wigger, Clerk to Council/PIO

Mr. Reeder led the Invocation and Pledge of Allegiance.

Mr. Sease called the meeting to order at 5:00 p.m.

1. Additions, Deletions, & Adoption of the Agenda.

- Mr. Shealy made a motion to adopt the agenda as presented; Mr. Reeder provided the second and the motion carried 3-0.

2. Public Comments.

- There were no public comments.

3. Staff Report

a. Updates – Product/Prospect Development:

i. Current Project Activity

- Mr. Farmer said that current project activity is up but limited because the county is missing a lot of opportunities. He said they missed five of the last seven opportunities, four of which wanted an empty building. The other needed 500+ acres.

ii. Existing Industry Visits

- Mr. Farmer said now that Ms. Long is on staff, he is able to visit existing industries more. He said they are seeing a mostly positive outlook.
- Recently, Piedmont Tech. asked Newberry County Economic Development to survey existing industries on their workforce needs, to see if there was any skillset they were looking for. Something they are hearing is that industries need welders.
 - Mr. Shealy asked if Piedmont Tech. still has the welding program in Greenwood; to which Mr. Farmer answered in the affirmative. Mr. Long said there is a program in Laurens, as well.
- Mr. Farmer said some of the industries are struggling with tariffs as their costs have gone up.

b. Strategic Planning:

i. Infrastructure Expansion

- Construction has started on Mawson's Way, a project that has been in discussion for a few years. Mr. Farmer believes this will be a fast moving project, possibly completed after the first of the year.
- The county is now on phase 3B of the water/sewer at Mid-Carolina Commerce Park, this will take water and sewer all the way to the back of the park, before it crosses the creek.

ii. Workforce Development

- Ms. Long said they have an Industrial Seminar event here in Newberry coming up to include speakers from the area and state. The event will be on Sept. 9 during lunch, and they have numerous people already signed up.
- Mr. Farmer said he is looking for a sponsor but will pay for it out of their budget if he is unable to find one.

iii. Marketing and Promotion

- Ms. Long said they have gradually been making updates to the website with a few more changes coming.
- She said they have been continuing to work with the Central SC Alliance and LocateSC.
- A new property is going to come up on the Palmetto Sites.
- Mr. Farmer and Ms. Long have been attending multiple meetings and events for economic development.

4. Executive Session §30-4-70 (a)(2) and (a)(5): Discussion of matters incident to proposed contractual arrangements, and related to the proposed location, expansion, or the provision of services encouraging location or expansion of industries or other business in the area served by the public body, including Projects Altair, Stelvio, Captain America, Frontier, Orchid, other relevant projects, and economic incentives.

- Mr. Shealy made a motion to go into Executive Session; Mr. Reeder provided the second and the motion carried 3-0.
- Newberry County Economic Development Committee went into Executive Session at 5:19 p.m.
- Mr. Reeder made a motion to come out of Executive Session; Mr. Shealy provided the second and the motion carried 3-0.
- Newberry County Economic Development Committee came out of Executive Session at 6:04 p.m.

5. Comments by and discussion items from the Committee Members

- Mr. Reeder said they received good information and told staff to keep up the great job.
- Mr. Shealy said excellent information and said everyone is doing a great job and Ms. Long is an asset to the department.

6. Adjourn

- Mr. Shealy made a motion to adjourn; Mr. Reeder provided the second and the motion carried 3-0.
- Newberry County Economic Development Committee adjourned at 6:06 p.m.

NEWBERRY COUNTY COUNCIL

Karl Sease, Chairman

Andrew Wigger, Clerk to Council

Minutes Approved: _____

**NEWBERRY COUNTY COUNCIL WORK SESSION
MINUTES
August 20, 2025**

Newberry County Council met on Wednesday, August 20, 2025, at 5:00 p.m. in Council Chambers at the Courthouse Annex, 1309 College Street, Newberry, SC, for a Work Session.

Notice of the meeting was duly advertised, as required by law.

PRESENT: Robert Shealy, Chairman
Karl Sease, Vice-Chairman
Leon Fulmer, Council Member
Todd Johnson, Council Member
Travis Reeder, Council Member
Johnny Mack Scurry, Council Member
Stuart Smith, Council Member
Jeff Shacker, County Administrator
Joanie Winters, County Attorney
Eric Nieto, IT Director
Andrew Wigger, Clerk to Council/PIO

Mr. Shealy called the meeting to order at 5 p.m.

1. Executive Session:

a. Personnel Matter(s):

- i. Discussion of matters related to the employment and compensation of administrative employees pursuant to SC Code of Laws Section 30-4-70(a)(1).

b. Contractual Matter(s):

i. Discussion of matters related to the acquisition of real property for economic development pursuant to SC Code of Laws Section 30-4-70(a)(2).

- Mr. Smith made a motion to go into Executive Session; Mr. Sease provided the second and the motion carried 7-0.
- Newberry County Council went into Executive Session at 5:01 p.m.
- Mr. Reeder made a motion to come out of Executive Session; Mr. Smith provided the second and the motion carried 7-0.
- Newberry County Council came out of Executive Session at 6 p.m. and no action was taken.

2. Adjournment.

- Mr. Sease made a motion to adjourn the meeting; Mr. Johnson provided the second and the motion carried 7-0.
- The Newberry County Council Work Session adjourned at 6:01 p.m.

NEWBERRY COUNTY COUNCIL

Robert Shealy, Chairman

Andrew Wigger, Clerk to Council

Minutes Approved: _____

**NEWBERRY COUNTY COUNCIL
MINUTES
August 20, 2025**

Newberry County Council met on Wednesday, August 20, 2025, at 6:01 p.m. in Council Chambers at the Courthouse Annex, 1309 College Street, Newberry, SC, for a regular scheduled meeting.

Notice of the meeting was duly advertised, as required by law.

PRESENT: Robert Shealy, Chairman
Karl Sease, Vice-Chairman
Leon Fulmer Jr., Council Member
Todd Johnson, Council Member
Travis Reeder, Council Member
Johnny Mack Scurry, Council Member
Stuart Smith, Council Member
Jeff Shacker, County Administrator
Joanie Winters, County Attorney
Captain Ben Chapman, NCSO
Captain Daniel Floyd, NCSO
Tommy Long, Emergency Services Director
Eric Nieto, IT Director
Brandon Wicker, Emergency Services Coordinator
Andrew Wigger, Clerk to Council/PIO

Mr. Shealy called the meeting to order at 6:01 p.m.

Mr. Sease led the invocation and Pledge of Allegiance.

1. Adoption of Consent Agenda:

- a. Newberry County Council Work Session Minutes – July 16, 2025.
- b. Newberry County Council Meeting Minutes – July 16, 2025.
- c. Newberry County Public Safety and Courts Committee Minutes – July 21, 2025.

- Mr. Johnson made a motion to accept the minutes as presented; Mr. Scurry provided the second and the motion carried 7-0.

2. Additions, Deletions & Adoption of the Agenda.

- Mr. Sease made a motion to accept the agenda as presented; Mr. Reeder provided the second and the motion carried 7-0.

3. Personal Appearances:

a. Steven Knapp, Executive Director of The Newberry Museum.

- Mr. Knapp said visitation at the museum remains busy and steady. They recently opened “Spinning a Legacy: Newberry Cotton Mills” focusing on the four major cotton mills in Newberry County.
- The museum has been working with the 250 Committee, researching the major events taking place during the Revolutionary War, and focusing on those forgotten -- loyalist, women, children, African Americans, Native Americans -- to put a full picture forward of what took place here in Newberry County. Mr. Knapp recently had a meeting with the head archivist and other representatives of the Catawba Nation and cultivating that relationship.
- The Newberry Museum has also been heavily involved in research with the Rosenwald Schools, a display was also placed in the lobby of the Newberry County Annex Building.
- Mr. Knapp said they are working on increased marketing, looking into billboards, online marketing, print media and a television ad that will also appear on streaming services.
- Mr. Shealy told Mr. Knapp that they are doing excellent work, and he commends The Newberry Museum.

4. Special Recognition:

a. Employee Recognitions:

- | | | |
|-------------------------|----------|-------------|
| • Daniel Long | 5 years | Facilities |
| • Christopher Cleveland | 10 years | Corrections |

- | | | |
|----------------|------------|------------|
| • Barry Koon | 30 years | Magistrate |
| • Liz McDonald | Retirement | Assessor |

- Mr. Shacker recognized the above employees for their service to Newberry County, highlighting their accomplishments and pivotal moments while working for Newberry County.

b. Bush River Fire Department

- Mr. Long recognized the station listed above for their accomplishments, history and other accolades, as well as highlighting the work they do throughout the year.

5. Proclamation in Recognition of Therapy Dog Appreciation Week in Newberry County.

- Mr. Reeder made a motion to accept the proclamation; Mr. Sease provided the second and the motion carried 7-0.
- Mr. Greg Kitchens and therapy dog Sage, both with Newberry Health, accepted a copy of the proclamation.

6. Ordinance No. 07-01-2025. An Ordinance authorizing the acceptance of roads within Stewart Landing Subdivision - Stewart Landing Drive, Shoreview Drive, and Timber Trail Lane. into the Newberry County Public Road System.

a. Public Hearing

- Mr. Shealy declared the public hearing open. With no one signed up to speak, Mr. Shealy declared the public hearing closed.

b. Second Reading

- Mr. Smith made a motion to accept second reading; Mr. Fulmer provided the second and the motion carried 7-0.

7. Consideration of a motion to approve State Accommodations Tax (State A-Tax) funding recommendation of the Newberry County Accommodations Tax Advisory Committee (ATAC) – Ernie Shealy, ATAC Chairman.

- Mr. Shealy provided the following recommendations from the Newberry County Accommodations Tax Advisory Committee for funding allocation:
 - For the applicants from the Promotional Fund: Capital City Lake Murray Country \$10,899,84, Newberry County Chamber of Commerce \$14,014.09, Prosperity Business Association \$6,228.41.
 - For applicants from the Tourism Fund: Newberry Community Players \$819, 4th of July Fireworks \$2,500, Newberry Opera House \$19,500, County of Newberry Parks and Recreation \$7,000, Visitors Center \$14,000.97, Whitmire Fall Crawl \$200, Prosperity Hoppin' \$5,000, Shoppers' Walk \$3,500, The Newberry Museum \$10,000, Palmetto Conservation Foundation \$5,000, Ritz Fest \$5,000.
- Mr. Johnson made a motion to accept the recommendation; Mr. Sease provided the second and the motion carried 7-0.

8. Consideration and approval of bids for construction of the Newberry County Detention Center Housing Unit, a 2022 CPST Project (Bid Number 2025-12).

- Mr. Shacker said they solicited bids this summer for this project, which is a significant project in a tight space. He said there were concerns going into the design that the county would be able to do the project with the allotted funds. The county received four responses, with the lowest responsive and responsible bidder being Solid Structures in the amount of \$10,167,000.
- The updated allocation of the project with the issuance of the bond is \$9 million, but this runs the total, adding the cost of architectural and engineering, project management and construction administration, environmental expenses, over \$11 million.
- In anticipation of this, council reserved \$2 million in the CPST fund, to recover overruns if they materialized on bid day.
- Mr. Shacker said staff recommends awarding to Solid Structures, and work with them to see what can be shaved off the project. They approve

the bid with the context of staff coming to council to potentially amend the budget.

- Mr. Johnson said there was some significant overcollection, as previously mentioned, and he wanted to know how that will play into that fund and if they can reimburse themselves with that money. Mr. Shacker said they can, and the recovery would be at the end of the 2022 CPST. Mr. Johnson said they should focus on getting every benefit they can from the CPST fund.
- Mr. Reeder asked if they will have to pay to remove the inmates and house elsewhere; Mr. Shacker said they will not have to remove the inmates but there will be challenges in that tight environment.
- Mr. Johnson made a motion to accept the bid from Solid Structures in the amount of \$10,167,000; Mr. Reeder provided the second and the motion carried 7-0.

9. County Council may take action on matters discussed during the 5:00 pm executive session.

- There was no action taken.

10. Appointments.

- Airport commission – District 2. Milledge Wilson, nominated by Mr. Fulmer.
- Joint Planning Commission – District 2. Daniel Boland, nominated by Mr. Fulmer.
- Newberry Hospital Board (Seat One) – District 2. John W. Pugh, nominated by Mr. Fulmer.
- Newberry Hospital Board (Seat Two) – District 2. Candace Frick, nominated by Mr. Fulmer.
- Westview Behavioral Health Board – District 2. Tina Nichols, nominated by Mr. Fulmer.
- Westview Behavioral Health Board – District 4. Jaclyn Sease, nominated by Mr. Shealy.
- Joint Planning Commission – District 5. Jack Shields, nominated by Mr. Smith.
- Newberry Hospital Board (Seat One) – District 5. Dan Rhoad, nominated by Mr. Smith.

- Newberry Hospital Board (Seat Two) – District 5. Leslie “Les” Hipp, nominated by Mr. Smith.
- Westview Behavioral Health – District 5. Donna Perry, nominated by Mr. Smith.
- Airport Commission – District 7. Adonis Hill, nominated by Mr. Reeder.
- Joint Planning Commission – District 7. Lisa Toland, nominated by Mr. Reeder.
- Westview Behavioral Health Board – District 7. Alma Sullivan, nominated by Mr. Reeder.
- GLEAMNS Board of Directors:
 - Public Sector. Dr. Mamie Shippy, nominated by Mr. Sease per the recommendation of GLEAMNS.
 - Low-Income Sector. Travis Reeder, nominated by Mr. Sease per the recommendation of GLEAMNS.
 - Private Sector. Carlton Kinard, nominated by Mr. Sease per the recommendation of GLEAMNS.
- Central Midlands Council of Government – Minority Citizen Representative. Vina Abrams, as nominated by Mr. Reeder.
- Mr. Reeder provided a Recusal Statement for the vote regarding the GLEAMNS Board as he was one of the nominees.
- Mr. Johnson made a motion to accept all of the nominations listed above; Mr. Sease provided the second and the motion carried 7-0, except in the case of the GLEAMNS Board where Mr. Reeder recused himself.

11. Public Comments (Three Minutes).

- Mr. Josh Rodriguez came to speak on an issue in his community regarding Airbnb. He said he spoke previously but provided an update that they hopefully have an attorney that can help them out. He said they are trying to handle the situation. He said this is an issue that is coming out and is resonating within our state as something that should be regulated.
 - Mr. Johnson asked Mr. Shacker if there had been any progress looking at comparative ordinance across the state. Mr. Reeder

asked if the state is coming up with something, as well. Mr. Shacker said, yes, the state is, to his knowledge, and that they have looked into the issue and spoken with those businesses as well.

12. Comments/Requests from County Administrator.

- Mr. Shacker said in terms of other CPST projects, they are making progress. He said they have received renderings for the roof of The Newberry Museum.
- The Streetscaping project is also progressing well in Whitmire, a companion progress for the City Gym.
- The county also had solicitations come in for engineering services for bridges that were impacted by Hurricane Helene. The county is seeking FEMA funding for that work.

13. Comments/Requests from Council.

- Mr. Fulmer thanked everyone for coming out and attending their meeting. He thanked Bush River Fire Department, and it is always great to recognize their volunteers.
- Mr. Johnson said he has gotten a lot of calls regarding EMS staffing, he understands they are running with two ambulances sometimes due to staffing, but sometimes it is hard to get a rescue squad out there because people have to go to work. He said he doesn't know how much they can do, and he is not saying the hospital is not doing all they can do, but they need to become partners and advocate and do what they can to make sure EMS is getting good coverage for the county. He also mentioned he had several questions about the moratorium and there will be several work sessions about that coming up. Lastly, he said this council has been with him through difficult times following the passing of his wife, and his best friend undergoing heart surgery. He said he is thankful for their support, staff support and how many of the public reached out during this difficult time.

- Mr. Reeder said he appreciates everything being done at the museum. He also thanked Mr. Shealy for all he's done over the years. He said our fire departments have done a great job over the last couple weeks following several incidents that have happened.
- Mr. Smith thanked Ms. McDonald for her years of service and her retirement, he also thanked all the recognized employees and Bush River Fire Department. He said something good happening, last week he went to where the volunteers were having a class and there were nine firefighters attending, all volunteers.
- Mr. Scurry thanked everyone for coming out and voice their opinions. He said they will do their best to solve them. He also congratulated Judge Koon on his service.
- Mr. Sease thanked everyone for coming and asking questions. He thanked all the employees for their service to the county. He also thanked Mr. Knapp for his presentation and the great work they are doing at The Newberry Museum. He also thanked Ms. Rose Marie Favors for the Rosenwald Schools display put up in the lobby.
- Mr. Shealy told Mr. Johnson that they were still there for him.

14. Future meetings:

- a. Labor Day, Offices Closed – September 1.
- b. Newberry County Council Work Session – September 3 at 5 p.m.
- c. Newberry County Council – September 3 at 6 p.m.
- d. Newberry County Council Work Session – September 17 at 5 p.m.
- e. Newberry County Council – September 17 at 6 p.m.
- f. Newberry County Finance Committee – September 22 at 5 p.m.

15. Adjournment.

- Mr. Scurry made a motion to adjourn; Mr. Johnson provided the second and the motion carried 7-0.
- Newberry County Council adjourned at 6:56 p.m.

NEWBERRY COUNTY COUNCIL

Robert Shealy, Chairman

Andrew Wigger, Clerk to Council

Minutes Approved: _____

DRAFT

STATE OF SOUTH CAROLINA)
)
COUNTY OF NEWBERRY)

ORDINANCE NO. 07-01-2025

**AN ORDINANCE AUTHORIZING THE ACCEPTANCE OF ROADS WITHIN
STEWART LANDING SUBDIVISION – STEWART LANDING DRIVE,
SHOREVIEW DRIVE AND TIMBER TRAIL LANE - INTO THE NEWBERRY
COUNTY PUBLIC ROAD SYSTEM**

WHEREAS, American Land Holdings Newberry, LLC. made application to the Newberry County Planning and Zoning Department for approval of a subdivision known as Stewart Landing, located within the planning jurisdiction of Newberry County, South Carolina; and

WHEREAS, the roads mentioned herein were subsequently conveyed to the Stewart Landing Homeowners Association, Inc. in November 2023, and recorded in Book 2571 at Page 166 in the office of the Clerk of Court for Newberry County; and

WHEREAS, the Newberry County Public Works Department has inspected the roads within Stewart Landing subdivision for maintenance purposes and confirmed that they are constructed to the standards set forth in the Newberry County Road Ordinance and codified in Chapter 91 of the Newberry County Code of Ordinances; and

WHEREAS, American Land Holdings Newberry, LLC. has provided a surety bond which the County Council of the County of Newberry has accepted, in a form and amount that conforms with the requirements set forth in the Newberry County Road Ordinance and codified in Chapter 91, Section 20 of the Newberry County Code of Ordinances, to Newberry County as security for the maintenance of the road.

NOW, THEREFORE BE IT ORDAINED by the County Council of the County of Newberry, in Council duly assembled this 3rd day of September 2025 that:

1. Stewart Landing Drive, Shoreview Drive and Timber Trail Lane, as described on plat recorded in Plat Book D213 at pages 1-13 in the office of the Clerk of Court for Newberry County, is accepted into the Newberry County Public Road System as a public road of the County of Newberry. The responsibility of the County shall be limited only to the roadway from the back of the curb to the back of the curb and for storm drainage inlets and piping carrying runoff from roadways from inlets to pipe outlets. All other responsibility shall remain with the Stewart Landing Homeowners Association, Inc.
2. The County of Newberry is hereby responsible for the maintenance and upkeep of Stewart Landing Drive, Shoreview Drive, and Timber Trail Lane.

3. Stewart Landing Drive, Shoreview Drive, and Timber Trail Lane are hereby under the jurisdiction of the County of Newberry for purposes of law enforcement and regulation of use, including the issuance of encroachment permits for installation of utility easements in the road rights of way.

NEWBERRY COUNTY COUNCIL

(SEAL) **BY:** _____
Robert Shealy, Chairman

ATTEST:

Andrew Wigger, Clerk to Council

Approved as to form:

Joanie Winters, County Attorney

Jeff Shacker, County Administrator

1st Reading: July 16, 2025
2nd Reading: August 20, 2025
Public Hearing: August 20, 2025
3rd Reading: September 3, 2025

ORDINANCE # 09-01-2025

TO PROVIDE FOR THE ISSUANCE AND SALE OF A GENERAL OBLIGATION BOND OF NEWBERRY COUNTY, SOUTH CAROLINA NOT EXCEEDING \$405,000 IN PRINCIPAL AMOUNT, TO PRESCRIBE THE PURPOSES FOR WHICH THE PROCEEDS OF SAID BOND SHALL BE EXPENDED, TO PROVIDE FOR THE PAYMENT OF SAID BOND, AND OTHER MATTERS RELATING THERETO.

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EXHIBIT A -- NOTICE OF PUBLIC HEARING
EXHIBIT B -- FORM OF BOND
EXHIBIT C -- FORM OF NOTICE OF SALE

BE IT ORDAINED BY THE COUNTY COUNCIL OF NEWBERRY COUNTY, SOUTH CAROLINA, IN COUNCIL ASSEMBLED, AS FOLLOWS:

ARTICLE I

FINDINGS OF FACT

Section 1.01 Findings.

As an incident to the adoption of this Ordinance, the Newberry County Council (the "Council"), the governing body of Newberry County, South Carolina (the "County"), finds that the facts set forth in this Article exist and the statements made with respect thereto are in all respects true and correct:

1. By virtue of Chapter 15, Title 4, Code of Laws of South Carolina, 1976, as amended and supplemented by Act No. 113 of the 1999 Acts of the South Carolina General Assembly (collectively, the "County Bond Act"), the County is empowered to issue general obligation bonds for any "authorized purpose" as therein defined.

The Council has heretofore determined that it is in the best interest of the County to provide for certain Equipment to facilities of the County, consisting of the following items:

- a) Tri-axle dump truck.
- b) 20-25 ton equipment trailer.
- c) Utility truck with dump body.

The foregoing items are referred to collectively herein as the "Equipment." The Council has determined to presently authorize the issuance of a general obligation bond of the County to defray the cost of the Equipment and pay costs of issuance of such bond.

Section 1.02 Recital of Applicable Constitutional Provisions.

Section 14 of Article X of the Constitution of the State of South Carolina (the "Constitution") provides that the counties of the State may issue bonded indebtedness in an amount not exceeding eight percent (8%) of the assessed value of all taxable property therein, and provides further that no bonded indebtedness incurred on or prior to November 30, 1977, shall be charged against such eight percent (8%) debt limitation. Paragraph (6) of Section 14 of Article X of the Constitution further provides that general obligation debt authorized by a majority of the qualified electors of the issuer may be issued without consideration of the eight percent (8%) limit otherwise imposed by Section 14 of Article X. The assessed value of all taxable property located within the County (including merchants' inventory, but net of property subject to a fee in lieu of tax) as certified by the County Auditor for the year 2023, which is the last completed assessment thereof, is a sum of not less than \$162,743,781, and thus the eight percent (8%) debt limit of the County is not less than \$13,019,502. At the time of the issuance of the bond authorized by this ordinance, the County will have outstanding general obligation debt chargeable against the eight percent (8%) limit in the principal amount of not exceeding \$1,337,746. Thus, the Council may issue the sum of \$405,000 general obligation debt at the present time without the authorization required by Section 14(6) of the Constitution.

Section 1.03 Holding of Public Hearing and Notice Thereof.

Pursuant to the provisions of Section 4-9-130 of the Code of Laws of South Carolina, 1976, as amended, a public hearing, after giving reasonable notice, is required to be conducted prior to the third and final reading of this Ordinance by Council. In accordance with this provision, a public hearing shall be conducted and due notice shall be provided as required by said Section 4-9-130. The form of the notice to be published shall be substantially as set forth as **Exhibit A** attached hereto.

* * *

ARTICLE II

DEFINITIONS AND AUTHORITY

Section 2.01 Definitions.

As used in this Ordinance, unless the context shall otherwise require, the following terms shall have the following respective meanings:

“Authorized Investments” means any securities which are authorized legal investments for political subdivisions pursuant to the Code of Laws of South Carolina.

“Authorized Officer” means the Chairman or the Vice-Chairman of the Council and any other officer or employee of the Council designated from time to time as an Authorized Officer by resolution of the Council, and when used with reference to any act or document also means any other person authorized by resolution of the Council to perform such act or sign such document.

“Bond,” “the Bond” or “the Bond” means the Bond issued in accordance with the provisions of this Ordinance.

“Bond Counsel” means Haynsworth Sinkler Boyd, P.A.

“Bondholder” or “Holder” or “Holder of Bond” or “Owner” or similar term means, when used with respect to the Bond, any person who shall be registered as the owner of the Bond outstanding.

“Bond Payment” means the payment of principal of and interest on the Bond.

“Bond Payment Date” means the date on which the Bond Payment shall be payable.

“Code” means the Internal Revenue Code of 1986, as amended.

“Council” means the Newberry County Council, South Carolina, the governing body of said County or any successor governing body of said County.

“County” means Newberry County, South Carolina.

“County Bond Act” shall have the meaning given thereto in Section 1.01 of this Ordinance.

“Government Obligations” means and includes direct general obligations of the United States of America or agencies thereof or obligations, the payment of principal or interest on which is fully and unconditionally guaranteed by the United States of America.

“Holder” means the registered owner, from time to time, of the Bond as shown on the registration books of the County maintained by the Registrar.

“Equipment” shall have the meaning given in Section 1.01 of this Ordinance.

“Ordinance” shall mean this ordinance of County Council authorizing the issuance of the Bond.

“Outstanding,” when used in this Ordinance with respect to the Bond, means as of any date, such Bond theretofore delivered pursuant to this Ordinance except:

(a) if such Bond shall have been cancelled or delivered to the Registrar for cancellation on or before such date;

(b) if such Bond deemed to have been paid in accordance with the provisions of Section 7.01 hereof; and

(c) any Bond in lieu of or in exchange for which another Bond shall have been authenticated and delivered pursuant to Section 3.11 of this Ordinance.

“Paying Agent” means the County Treasurer of Newberry County.

“Person” means an individual, a partnership, a corporation, a trust, a trustee, an unincorporated organization, or a government or an agency or political subdivision thereof.

“Record Date” means the 15th day immediately preceding the Bond Payment Date.

“Registrar” means the County, acting through the Clerk to Council.

Section 2.02 Construction.

In this Ordinance, unless the context otherwise requires:

1. Articles and Sections referred to by number shall mean the corresponding Articles and Sections of this Ordinance.
2. The terms “hereby,” “hereof”, “hereto”, “herein”, “hereunder” and any similar terms refer to this Ordinance, and the term “hereafter” shall mean after, and the term “heretofore” shall mean before, the date of adoption of this Ordinance.
3. Words of the masculine gender shall mean and include correlative words of the female and neuter genders, and words importing the singular number shall mean and include the plural number and vice versa.
4. Any fiduciary shall be deemed to hold an Authorized Investment in which money is invested pursuant to the provisions of this Ordinance, even though such Authorized Investment is evidenced only by a book entry or similar record of investment.

* * *

ARTICLE III

ISSUANCE OF BOND

Section 3.01 Ordering the Issuance of the Bond.

Pursuant to the provisions of the County Bond Act, and for the purpose of obtaining funds with which to defray the cost of the Equipment, there shall be issued, a not exceeding Four Hundred Five Thousand Dollar (\$405,000) principal amount general obligation bond of the County.

Section 3.02 Maturity Schedule of the Bond.

The Bond shall be dated as of the date of its delivery and shall bear interest from its dated date. The Bond shall mature no later than one (1) year from its date of issue and shall be payable as to principal and interest on such single Bond Payment Date, all as determined by the County Administrator.

Section 3.03 Medium of Payment; Form and Denomination of the Bond; Place of Payment of Principal.

- (a) The Bond shall be payable in any coin or currency of the United States of America which at the time of payment is legal tender for the payment of public and private debts.
- (b) The Bond shall be issued in the form of one (1) fully registered bond with a single fixed rate of interest.
- (c) The Bond Payment shall be payable to the Person appearing as the Holder of the applicable Bond on the Record Date on the registration books of the County, which books shall be held by the County as Registrar as provided in Section 3.06 hereof. Presentment of Bond as a condition of the payment of the final outstanding principal amount thereof is hereby waived.

Section 3.04 Execution and Authentication.

- (a) The Bond shall be executed in the name and on behalf of the County by the manual signature of an Authorized Officer or Officers, with its corporate seal impressed, imprinted or otherwise reproduced thereon, and attested by the manual signature of the Clerk to County Council or an Authorized Officer (other than the officer or officers executing such Bond). The Bond may bear the manual signature of any person who shall have been such an Authorized Officer authorized to sign such Bond at the time such Bond was so executed, and shall bind the County notwithstanding the fact that his or her authorization may have ceased prior to the authentication and delivery of such Bond.
- (b) The Bond shall not be valid or obligatory for any purpose nor shall it be entitled to any right or benefit hereunder unless there shall be endorsed on the Bond a certificate of authentication in the form set forth in this Ordinance, duly executed by the manual signature of the Registrar, and such certificate of authentication upon the Bond executed on behalf of the County shall be conclusive evidence that the Bond so authenticated has been duly issued hereunder and that the Holder thereof is entitled to the benefit of the terms and provisions of this Ordinance.

Section 3.05 Exchange of the Bond.

The Bond, upon surrender thereof at the office of the Registrar with a written instrument of transfer satisfactory to the Registrar, duly executed by the registered Holder or his duly authorized attorney, may, at the option of the registered Holder thereof, be exchanged for a new Bond of the same interest rate and maturity. So long as the Bond remains Outstanding, the County shall make all necessary provisions to permit the exchange of the Bond. Such new Bond shall reflect the principal amount thereof as then yet unpaid.

Section 3.06 Transferability and Registry.

The Bond shall at all times, when the same is Outstanding, be payable to a Person, and shall be transferable only in accordance with the provisions for registration and transfer contained in this Ordinance and in the Bond. So long as the Bond remains Outstanding, the Registrar shall maintain and keep, at its administrative office, books for the registration and transfer of the Bond, and, upon presentation thereof for such purpose at such office, the Registrar shall register or cause to be registered therein, and permit to be transferred thereon, under such reasonable regulations as it may prescribe, such Bond. So long as the Bond remains Outstanding, the Registrar shall make all necessary provisions to permit the transfer of such Bond at its administrative office.

Section 3.07 Transfer of the Bond.

The Bond shall be transferable only upon the books of the Registrar, upon presentation and surrender thereof by the Holder of the Bond in person or by his attorney duly authorized in writing, together with a written instrument of transfer satisfactory to the Registrar duly executed by the registered Holder or his duly authorized attorney. Upon surrender for transfer of the Bond, the County shall execute, authenticate, and deliver, in the name of the Person who is the transferee, a new Bond of the same principal amount and maturity and rate of interest as the surrendered Bond. Such new Bond shall reflect the principal amount thereof as then yet unpaid. Transfer of the Bond by any Holder thereof shall be subject to such terms and restrictions as negotiated by the County Administrator and the Purchaser of the Bond, upon advice of Bond Counsel the Financial Advisor, and the existence of such terms and restrictions shall be clearly noted on the face of the Bond.

Section 3.08 Regulations with Respect to Exchanges and Transfers.

The Bond surrendered in any exchange or transfer shall forthwith be cancelled by the Registrar. For each such exchange or transfer of the Bond, the Registrar may make a charge sufficient to reimburse it for any tax, fee or other governmental charge required to be paid with respect to such exchange or transfer, which sum or sums shall be paid by the Holder requesting such exchange or transfer as a condition precedent to the exercise of the privilege of making such exchange or transfer. The County shall not be obligated to issue, exchange or transfer the Bond during the 15 days next preceding the Bond Payment Date applicable thereto.

Section 3.09 Mutilated, Destroyed, Lost and Stolen Bond.

- (a) If the Holder surrenders a mutilated Bond to the Registrar or the Registrar receives evidence to its satisfaction of the destruction, loss, or theft of the Bond, and there is delivered to the Registrar such security or indemnity as may be required by it to save it harmless, then, in the absence of notice that such Bond has been acquired by a bona fide purchaser, the County shall execute and deliver, in exchange for the mutilated Bond or in lieu of any such destroyed, lost, or stolen Bond, a new Bond of like tenor, maturity, and interest rate bearing a number unlike that of such

mutilated, destroyed, lost, or stolen Bond, and shall thereupon cancel any such mutilated Bond so surrendered.

- (b) Upon the issuance of any new Bond under this Section 3.09, the County may require the payment of a sum sufficient to cover any tax, fee, or other governmental charge that may be imposed in relation thereto and any other expenses, including counsel fees or other fees, of the County or the Registrar connected therewith.
- (c) Each new Bond issued pursuant to this Section in lieu of any destroyed, lost, or stolen Bond, shall constitute an additional contractual obligation of the County, whether or not the destroyed, lost, or stolen Bond shall at any time be enforceable by anyone, and shall be entitled to all the benefits hereof equally and proportionately with the Bond duly issued pursuant to this Ordinance.
- (d) The Bond shall be held and owned upon the express condition that the foregoing provisions are exclusive with respect to the replacement or payment of the mutilated, destroyed, lost, or stolen Bond and shall preclude (to the extent lawful) all other rights or remedies with respect to the replacement or payment of the mutilated, destroyed, lost, or stolen Bond or securities.

Section 3.10 Holder As Owner of the Bond.

In its capacity as Registrar, the County may treat the Holder of the Bond as the absolute owner thereof, whether the Bond shall be overdue or not, for the purpose of receiving payment of, or on account of, the Bond Payment on the Bond and for all other purposes, and payment of the Bond Payment shall be made only to, or upon the order of, such Holder. All payments to such Holder shall be valid and effectual to satisfy and discharge the liability upon the Bond to the extent of the sum or sums so paid, and the County shall not be affected by any notice to the contrary.

Section 3.11 Cancellation of the Bond.

The Registrar shall destroy the Bond when the same shall be surrendered to it for cancellation. In such event, such Bond shall no longer be deemed Outstanding under this Ordinance and no Bond shall be issued in lieu thereof.

Section 3.12 Payments Due on Saturdays, Sundays, and Holidays.

In any case where the Bond Payment Date shall be a Saturday or Sunday or shall be, at the place designated for payment, a legal holiday or a day on which banking institutions are authorized by law to close, then payment of the Bond Payment need not be made on such date but may be made on the next succeeding business day not a Saturday, Sunday or a legal holiday or a day upon which banking institutions are authorized by law to close, with the same force and effect as if made on the Bond Payment Date and no interest shall accrue for the period after such date.

Section 3.13 Tax Exemption in South Carolina.

Bond Payments shall be exempt from all State, county, municipal, school district, and all other taxes or assessments of the State of South Carolina, direct or indirect, general, or special, whether imposed for the purpose of general revenue or otherwise, except inheritance, estate, transfer, or certain franchise taxes.

Section 3.14 Order to Levy Ad Valorem Taxes to Pay Principal and Interest of Bond.

For the payment of principal of and interest on the Bond as the same become due and for the creation of such sinking fund as may be necessary therefor, the full faith, credit, and taxing power of the County are hereby irrevocably pledged, and there shall be levied an ad valorem tax upon all taxable property located within the County sufficient to pay the principal of and interest on the Bond as the same become due and to create such sinking fund as may be necessary therefor.

Section 3.15 Notice to Auditor and Treasurer.

The Auditor and Treasurer of Newberry County, South Carolina, shall be notified of the issuance of the Bond and directed to levy and collect annually upon all taxable property within the County ad valorem property taxes in an amount sufficient to pay the principal of and interest on such Bond as the same become due and to create such sinking fund as may be necessary therefor.

Section 3.16 Form of Bond.

The form of the Bond, and registration provisions to be endorsed thereon, shall be substantially as set forth in **Exhibit B** attached hereto and made a part of this Ordinance.

* * *

ARTICLE IV

REDEMPTION OF BOND

Section 4.01 Redemption of Bond.

The Bond shall not be subject to redemption prior to maturity except as may be agreed to by the Holder thereof and the County. Any such terms of redemption shall be included in the Bond.

* * *

ARTICLE V

SALE OF BOND

Section 5.01 Sale and Award of Bond.

The Bond shall be sold at a price of not less than par. Bids for the Bond shall be solicited by the County Administrator. The County Administrator is authorized to award the Bond to the bidder offering the lowest net interest cost therefor; for purposes of this paragraph, net interest cost shall be determined by computing the total dollar interest cost from the date of the Bond to maturity and deducting therefrom the amount of the premium offered, if any, over and above the principal amount and adding thereto any bank counsel fees required to be paid by the County. In the case of a tie in net interest cost, the award of the Bond shall be based upon the flip of a coin. Notwithstanding the foregoing, no such award shall be effective without the approval of Council, by resolution duly adopted, if the net interest cost of such Bond exceeds 6.00% per annum.

The County Administrator shall not accept any proposal which requires an increase in the interest rate applicable to the Bond in the event of any change in state or federal law. A proposal which requires an increase in the applicable interest rate in the event of a determination of taxability of interest on the Bond owing to acts or omissions of the County may be accepted by the County Administrator, but only if the proposal and the Bond state the interest rate which would thereby become applicable upon the occurrence of such event.

Upon the award of the Bond, there shall be published in a newspaper of general circulation in the County at least seven (7) days prior to the delivery of the Bond a Notice of Sale in form substantially similar to that appearing at **Exhibit C** hereto.

* * *

ARTICLE VI

DISPOSITION OF PROCEEDS OF SALE OF BONDS

Section 6.01 Disposition of Bond Proceeds Including Temporary Investments.

The proceeds derived from the sale of the Bond shall be paid to the Treasurer of Newberry County, to be deposited in a separate Bond Account, and shall be expended and made use of by the Council to defray the cost of issuing the Bond and to defray the cost of the Equipment. Any premium shall be placed in the sinking fund held by the Treasurer of Newberry County for payment of principal and interest on the Bond and applied to the discharge of principal on such Bond.

Pending the use of Bond proceeds, the same shall be invested and reinvested by the Treasurer of Newberry County in Authorized Investments. All earnings from such investments shall be applied, at the direction of the Council, either (1) to defray the cost of the undertakings for which the Bond is issued and if not required for this purpose, then (2) to interest on the Bond from the proceeds of which such earnings were derived.

Neither the purchaser nor Holder of the Bond shall be liable for the proper application of the proceeds thereof.

* * *

ARTICLE VII

DEFEASANCE OF BOND

Section 7.01 Discharge of Ordinance - Where and How the Bond is Deemed to Have Been Paid and Defeased.

If the Bond and the interest thereon shall have been paid and discharged, then the obligations of the County under this Ordinance as to the Bond and all other rights granted hereby shall cease and determine. The Bond shall be deemed to have been paid and discharged within the meaning of this Article under each of the following circumstances, viz.:

(1) A third party fiduciary, which shall be any bank, trust company, or national banking association which is authorized to provide corporate trust services (the "Fiduciary"), shall hold, in trust and irrevocably appropriated thereto, sufficient moneys for the payment of the Bond Payment due thereunder; or

(2) If default in the payment when due of the Bond Payment shall have occurred, and thereafter tender of such payment shall have been made, and at such time the Fiduciary shall hold in trust and irrevocably appropriated thereto, sufficient moneys for the payment thereof to the date of the tender of such payment; or

(3) If the County shall elect to provide for the payment of the Bond prior to its stated maturity and shall have deposited with the Fiduciary, in an irrevocable trust, moneys which shall be sufficient, or Government Obligations, the principal of and interest on which when due will provide moneys, which together with moneys, if any, deposited with the Fiduciary at the same time, shall be sufficient to pay the Bond Payment when due.

Neither the Government Obligations nor moneys deposited with the Fiduciary pursuant to this Section nor the Bond Payments thereon shall be withdrawn or used for any purpose other than, and shall be held in trust for, the payment of the Bond Payment on the Bond; provided that any cash received from such principal or interest payments on Government Obligations deposited with the Fiduciary, if not then needed for such purpose, shall to the extent practicable be invested and reinvested in Government Obligations maturing at times and in amounts sufficient to pay when due the Bond Payment to become due on the Bond on the Bond Payment Date thereof, and interest earned from such reinvestments not required for the payment of the Bond Payment may be paid over to the County, free and clear of any trust, lien or pledge.

* * *

ARTICLE VIII

CERTAIN TAX AND DISCLOSURE CONSIDERATIONS

Section 8.01 Covenants to Comply with Requirements of the Code.

The County hereby represents and covenants that it will comply with all requirements of the Code, and that it will not take any action which will, or fail to take any action (including, without limitation, filing the required information reports with the Internal Revenue Service) which failure will, cause interest on the Bond to become includable in the gross income of the Holder thereof for federal income tax purposes pursuant to the provisions of the Code and regulations promulgated thereunder in effect on the date of original issuance of the Bond. Without limiting the generality of the foregoing, the County represents and covenants that:

1. All property provided by the net proceeds of the Bond will be owned by the County in accordance with the rules governing the ownership of property for federal income tax purposes.
2. The County shall not permit the proceeds of the Bond or any facility financed with the proceeds of the Bond to be used in any manner that would result in (a) ten percent (10%) or more of such proceeds being considered as having been used directly or indirectly in any trade or business carried on by any natural person or in any activity carried on by a person other than a natural person other than a governmental unit as provided in Section 141(b) of the Code, or (b) five percent (5%) or more of such proceeds being considered as having been used directly or indirectly to make or finance loans to any person other than a governmental unit as provided in Section 141(c) of the Code.
3. The County is not a party to nor will it enter into any contracts with any person for the use or management of any facility provided with the proceeds of the Bond that do not conform to the guidelines set forth in Revenue Procedure 2025-13.
4. The County will not sell or lease the Equipment or any property provided by the Bond to any person unless it obtains the opinion of nationally recognized bond counsel that such lease or sale will not affect the tax exemption of the Bond.
5. The Bond will not be federally guaranteed within the meaning of Section 149(b) of the Code. The County is not a party to any leases or sales or service contracts with any federal government agency with respect to the projects and will not enter into any such leases or contracts unless it obtains the opinion of nationally recognized bond counsel that such action will not affect the tax exemption of the Bond.

Notwithstanding the foregoing, the County Administrator may determine that interest on the Bond shall be subject to federal income tax if so requested by the purchaser thereof, subject always to Section 5.01 of this Bond Ordinance. In such case, the foregoing covenants and the remainder of this Article VIII shall be inapplicable.

Section 8.02 Qualified Tax-Exempt Obligation.

The County Administrator may designate the Bond as a “qualified tax-exempt obligation” within the meaning of Section 265(b)(3)(B) of the Code, upon advice of Bond Counsel.

Section 8.03 Ability to Meet Arbitrage Requirements.

Careful consideration has been given to the time in which the expenditures of the proceeds of each Bond authorized hereby will be made, and it has been ascertained that all of the money received from the proceeds of each Bond will be expended within the limitations imposed by Section 148(c) of the Code, so that the Council will be able to certify upon reasonable grounds that each Bond is not an “arbitrage bond” within the meaning of Section 148(c) of the Code.

Section 8.04 Continuing Disclosure.

Pursuant to Section 11-1-85 of the Code of Laws of South Carolina 1976, as amended, the County covenants to file with a central repository for availability in the secondary bond market when requested:

- (a) An annual independent audit, within thirty days of the County’s receipt of the audit; and
- (b) Event specific information within thirty days of an event adversely affecting more than five percent of revenue or the County’s tax base.

The only remedy for failure by the County to comply with the covenant in this Section 8.04 shall be an action for specific performance of this covenant. The County specifically reserves the right to amend this covenant to reflect any change in Section 11-1-85, without the consent of any Bondholder.

Section 8.05 Taxable Obligation.

Any Bond may be issued as a taxable obligation if the County Administrator determines in his sole discretion, upon advice of Bond Counsel, that it is in the best interests of the County to do so.

* * *

ARTICLE IX

MISCELLANEOUS

Section 9.01 Savings Clause.

If any one or more of the covenants or agreements provided in this Ordinance should be contrary to law, then such covenant or covenants or agreement or agreements shall be deemed severable from the remaining covenants and agreements, and shall in no way affect the validity of the other provisions of this Ordinance.

Section 9.02 Successors.

Whenever in this Ordinance the County is named or referred to, it shall be deemed to include any entity, which may succeed to the principal functions and powers of the County, and all the covenants and agreements contained in this Ordinance or by or on behalf of the County shall bind and inure to the benefit of said successor whether so expressed or not.

Section 9.03 Ordinance to Constitute Contract.

In consideration of the purchase and acceptance of the Bond by those who shall purchase and hold the same from time to time, the provisions of this Ordinance shall be deemed to be and shall constitute a contract between the County and the Holder from time to time of the Bond, and such provisions are covenants and agreements with such Holder which the County hereby determined to be necessary and desirable for the security and payment thereof. The pledge hereof and the provisions, covenants, and agreements herein set forth to be performed on behalf of the County shall be for the benefit, protection, and security of the Holder of the Bond.

Section 9.04 Filing of Copies of Ordinance.

Copies of this Ordinance shall be filed in the offices of the Council and in the office of the Clerk of Court for Newberry County (as a part of the Transcript of Proceedings).

Section 9.05 Further Action by Officers of County.

The proper officers of the County are fully authorized and empowered to take the actions required to implement the provisions of this Ordinance and to furnish such certificates and other proofs as may be required of them, which includes but is not limited to providing the notice and conducting the public hearing described in Section 1.03 hereof. In the absence of any officer of the Council herein authorized to take any act or make any decision, the County Administrator is hereby authorized to take any such act or make any such decision.

Section 9.06 Effective Date of Ordinance.

This Ordinance shall take effect upon its third reading and shall be forthwith codified in the Code of County Ordinances and indexed under the general heading "An Ordinance To Provide For The Issuance And Sale Of A General Obligation Bond Of Newberry County, South Carolina Not Exceeding \$405,000 In Principal Amount, To Prescribe The Purposes For Which The Proceeds Of Said Bond Shall Be Expended, To Provide For The Payment Of Said Bond, And Other Matters Relating Thereto."

DONE IN MEETING DULY ASSEMBLED, this ____ of _____, 2025.

NEWBERRY COUNTY COUNCIL

(SEAL)

Robert Shealy, Chairman

Attest:

Andrew Wigger, Clerk to Council

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Newberry County Council, State of South Carolina will conduct the following public hearing(s) at its meeting on the ____ day of _____, 2025, to be held in the Newberry County Council Chambers, 1309 College Street, Newberry, South Carolina, at ____ ____ p.m..

Ordinance No. ____: An Ordinance To Provide For The Issuance And Sale Of A General Obligation Bond Of Newberry County, South Carolina Not Exceeding \$405,000 In Principal Amount, To Prescribe The Purposes For Which The Proceeds Of Said Bond Shall Be Expended, To Provide For The Payment Of Said Bond, And Other Matters Relating Thereto..

[OTHER ORDINANCES RECEIVING PUBLIC HEARINGS INSERTED HERE]

At the time and place fixed for said public hearing(s), all taxpayers, residents or other interested persons who appear will be given an opportunity to express their views for or against the adoption of the Ordinance. A copy of the proposed Ordinance(s) is (are) available for inspection in the Clerk to Council's office located in the Courthouse Annex at 1309 College Street, Newberry, South Carolina, during its regular business hours. Assistance is available for those who are visually or hearing-impaired. For assistance, call the Newberry County Clerk to Council, (803) 321-2100.

Chairman, Newberry County Council

(FORM OF BOND)

TRANSFER OF THIS BOND IS RESTRICTED BY OF THAT CERTAIN AGREEMENT BETWEEN NEWBERRY COUNTY, SOUTH CAROLINA AND _____ DATED _____, 2025, THE TERMS OF WHICH ARE INCORPORATED HEREIN BY REFERENCE AS IF FULLY SET FORTH HEREIN. TRANSFER OF THIS BOND IS OTHERWISE UNLAWFUL AND UNENFORCEABLE.

UNITED STATES OF AMERICA
STATE OF SOUTH CAROLINA
COUNTY OF NEWBERRY
GENERAL OBLIGATION BOND, SERIES _____

No. 1

Registered Holder: _____

Principal Amount: _____

NEWBERRY COUNTY, SOUTH CAROLINA (the "County"), a public body corporate and politic and a political subdivision of the State of South Carolina (the "State"), created and existing by virtue of the laws of the State, acknowledges itself indebted and for value received hereby promises to pay, solely as hereinafter provided, to the Registered Holder named above or registered assigns, the Principal Amount stated above and interest thereon on such dates and in the manner provided herein.

This bond ("Bond") is issued in the principal amount of _____ for purposes authorized by and pursuant to and in accordance with the Constitution and Statutes of the State of South Carolina, including particularly the provisions of Sections 4-15-10 through 4-15-180, Code of Laws of South Carolina, 1976, as amended, and an Ordinance duly adopted by the County Council of Newberry County (the "Ordinance"). (This Bond is subject to redemption prior to maturity as follows: _____).

The principal and interest on this Bond shall be paid by the County Treasurer of Newberry County, as Paying Agent, to the person shown on the books of registration of the County as the Holder hereof on the Record Date in accordance with the following schedule:

| <u>_____</u> <u>of Year</u> | <u>Principal</u> <u>Due</u> | <u>Interest</u> <u>Due</u> |
|--------------------------------|--------------------------------|-------------------------------|
| | | |
| | | |
| | | |

The Bond Payments are payable in any coin or currency of the United States of America which at the time of payment is legal tender for the payment of public and private debts. The Record Date for this Bond is the 15th day immediately preceding each Bond Payment Date.

Certain capitalized terms used herein and not otherwise defined shall have the meanings ascribed thereto in the Ordinance. Certified copies of the Ordinance are on file in the office of the Clerk of Court of Newberry County and in the office of the County Council of Newberry County.

This Bond is payable from a tax levied on all taxable property within the County. For the prompt payment of the Bond Payment as the same shall become due, the full faith, credit, and taxing power of the County are irrevocably pledged.

This Bond and the interest hereon are exempt from all State, county, municipal, school district, and all other taxes or assessments of the State of South Carolina, direct or indirect, general, or special, whether imposed for the purpose of general revenue or otherwise, except inheritance, estate, transfer, or certain franchise taxes.

The Bond is issued in the form of one (1) fully registered Bond and is transferable, as provided in the Ordinance, only upon the registration books of the County kept for that purpose at the offices of the County by the registered Holder in person or by his duly authorized attorney upon, (i) surrender of this Bond together with a written instrument of transfer satisfactory to the Registrar duly executed by the registered holder or his duly authorized attorney, and (ii) payment of the charges, if any, prescribed in the Ordinance. Thereupon a new fully registered Bond of interest rate and like principal amount shall be issued to the transferee in exchange therefor as provided in the Ordinance. The County may deem and treat the person in whose name this Bond is registered as the absolute owner hereof for the purpose of receiving payment of the Bond Payment due hereon and for all other purposes.

For every exchange or transfer of the Bond, the County may make a charge sufficient to reimburse it for any tax, fee, or other governmental charge required to be paid with respect to such exchange or transfer.

It is hereby certified and recited that all acts, conditions, and things required to exist, happen, and to be performed precedent to and in the adoption of the Ordinance and in the issuance of the Bond in order to make the legal, valid, and binding general obligation of the County in accordance with its terms, do exist, have been done, have happened and have been performed in regular and due form as required by law; and that the issuance of the Bond does not exceed or violate any constitutional, statutory, or other limitation upon the amount of indebtedness prescribed by law.

IN WITNESS WHEREOF, NEWBERRY COUNTY, SOUTH CAROLINA, has caused this Bond to be signed by the manual signature of the Chairman of the Newberry County Council, attested by the manual signature of the Clerk to the Newberry County Council, and the seal of the County impressed hereon.

NEWBERRY COUNTY, SOUTH CAROLINA

(SEAL)

Council

Robert Shealy, Chairman, Newberry County

ATTEST:

Andrew Wigger, Clerk, Newberry County Council

CERTIFICATE OF AUTHENTICATION

This Bond is the Bond of the issue described in the within mentioned Ordinance.

Registrar

By: _____
Clerk to Council

Date of Authentication: _____, 20____

The following abbreviations, when used in the inscription on the face of this Bond, shall be construed as though they were written out in full according to applicable laws or regulations.

TEN COM - as tenants in common

UNIF GIFT MIN ACT -

TEN ENT - as tenants by the entireties

(Cust) Custodian _____
(Minor)

JT TEN - as joint tenants with right of
survivorship and not as tenants in common

under Uniform Gifts to Minors Act _____
(state)

Additional abbreviations may also be used though not in above list.

(FORM OF ASSIGNMENT)

FOR VALUE RECEIVED, the undersigned sells, assigns and transfers unto

the within bond and does hereby irrevocably constitute and appoint

attorney to transfer the within bond on the books kept for registration thereof, with full power of
substitution in the premises.

Dated: _____

Signature Guaranteed

(Authorized Officer)

(Signature must be guaranteed by a participant in
the Securities Transfer Agent Medallion Program
(STAMP))

Notice: The signature to the assignment must
correspond with the name of the registered owner
as it appears upon the face of the within bond in
every particular, without alteration or enlargement
or any change whatever.

NOTICE OF SALE

Notice is hereby given that Newberry County, South Carolina shall deliver to (Purchaser) on (Date of Delivery) its \$_____ principal amount General Obligation Bond, Series _____. The Bond has been sold to (Purchaser) at a price of _____ and an interest rate of ____%. The Bond is payable as follows: _____.

Robert Shealy, Chairman, Newberry
County Council

STATE OF SOUTH CAROLINA

COUNTY OF NEWBERRY

I, the undersigned, Clerk to Council of Newberry County, South Carolina, DO HEREBY CERTIFY:

1. That the foregoing is a true, correct, and verbatim copy of an Ordinance adopted by the County Council of Newberry County on _____, 2025, at which a majority/all members were present. It was first introduced at the regular meeting of County Council held on _____, 2025. At that meeting, it was given first reading by the majority/unanimous vote of the County Council. Afterwards, at the regular meeting of the County Council held on _____, 2025, it was given its second reading and at the regular meeting of the County Council held on _____, 2025, it was given third and final reading by the unanimous vote of County Council. At each of said meetings, a quorum of County Council was present at all times during the proceedings pursuant to which the aforesaid Ordinance was adopted, the original of which is duly entered in the record of minutes of the aforesaid meetings of said County Council in my Custody as such Clerk.

2. As required by Title 30, Chapter 4 of the Code of Laws of South Carolina 1976, as amended, being the Freedom of Information Act, a copy of the agenda of meetings (showing the date, time and place of the meeting) of the County Council of the County is posted on a designated bulletin board in the administrative offices of the County, posted on the County's publicly-available website and supplied to news media as requested, in each case at least 24 hours prior to regularly scheduled meetings of the County Council. An agenda was posted in accordance with the foregoing sentence for each meeting at which the attached Ordinance was voted upon, and each agenda as so posted contained as an item the consideration of the attached Ordinance by the County Council.

IN WITNESS WHEREOF, I have hereunto set my Hand and the Seal of the County, this ____ day of _____ 2025.

(SEAL)

Clerk, Newberry County Council

First reading: September 3, 2025

Second reading: September 17, 2025

Third reading: October 1, 2025

Public Hearing: September 17, 2025

ORDINANCE # 09-02-2025

AN ORDINANCE AUTHORIZING THE EXECUTION OF AN EQUIPMENT LEASE-PURCHASE AGREEMENT IN AN AMOUNT NOT EXCEEDING \$2,100,000 RELATING TO THE PURCHASE OF CERTAIN EQUIPMENT BY NEWBERRY COUNTY, AUTHORIZING THE EXECUTION OF OTHER NECESSARY DOCUMENTS AND PAPERS, AND OTHER MATTERS RELATING THERETO.

BE IT ORDAINED by the County Council of Newberry County, South Carolina, in meeting duly assembled:

ARTICLE I

FINDINGS OF FACT

The County Council of Newberry County, South Carolina, the governing body of Newberry County, South Carolina, has made the following findings of fact:

Section 1.01 Findings.

The County Council of Newberry County, the governing body of Newberry County (the "Council"), has determined that a very real need exists for and that it is necessary for Newberry County (the "County") to acquire certain equipment as shown on Exhibit A hereto (collectively, the "Equipment"). The total cost of the Equipment and costs associated therewith is estimated to be not exceeding \$2,100,000. The Council has determined that it is in the best interests of the County to purchase the Equipment through a lease-purchase financing in accordance with the terms of this Ordinance.

ARTICLE II

AUTHORIZATION

Section 2.01 Approval of the Financing.

The Council hereby approves the entry of the County into a one or more lease financing agreements in aggregate principal amount not to exceed \$2,100,000 (singularly or collectively, the "Agreement") to finance the purchase of the Equipment. The interest rate applicable to the agreement shall not exceed 6.0 % per annum (in the absence of default or change in tax status) unless approved by resolution of Council supplemental hereto. Payments due under the Agreement shall be expressed to become due annually on December 1 of each of the Fiscal Years 2026 through 2030, inclusive, in such annual amounts as determined by the County Administrator (the "County Administrator"). Should the proceeds of the Agreement allow, additional equipment may be acquired therewith as approved by resolution of Council supplemental hereto.

The Agreement shall not constitute a debt of the County, and the full faith, credit and taxing power of the County shall not be pledged to secure payment of rental payments or other sums due pursuant to the Agreement. The Agreement shall contain a "non-appropriation" clause suitable to counsel to the County and shall not, in the opinion of such counsel, contain a "non-substitution" clause.

Section 2.02 Authorization to Contract.

The County Administrator is hereby authorized to solicit proposals from financial institutions for the provision of the financing represented by the Agreement. Proposals shall be solicited from at least three financial institutions on not less than seven (7) days' notice. The County Administrator is hereby authorized to award the Agreement to the financial institution which proposes the terms most favorable to the County, as determined by the County Administrator in his sole discretion, but subject in any event to the provisions of Section 2.01 of this Ordinance (the "Lessor"). The County Administrator is hereby authorized, empowered, and directed to execute, acknowledge, and deliver the Agreement and associated documents to the Lessor and other appropriate parties. The execution of the Agreement by the County Administrator shall constitute conclusive evidence of approval of the principal amount and rental payments due pursuant to the Agreement and the terms thereof.

Section 2.03 Other Documents, etc.

The Chairman of the Council, the Clerk to Council, Finance Director of the County and the County Administrator are hereby authorized to execute any and all other documents, instruments, certificates, or other papers as they deem necessary and appropriate, with the advice of counsel, to accomplish the transactions contemplated by this Ordinance. The Council further approves the entry by the Count, if deemed necessary by the County Administrator in his sole discretion, into an escrow agreement or similar agreement among the County and a financial institution satisfactory to the County Administrator, as agent, in such form as may be determined by the County Administrator, upon advice of counsel, in order to provide for the deposit and investment of proceeds of the Agreement pending the expenditure thereof (the "Deposit Agreement"). The Lender may also be a party to the Deposit Agreement.

Section 2.04 Effective Date of Ordinance.

This Ordinance shall become effective upon the third and final reading thereof.

* * * *

ARTICLE III

CERTAIN MATTERS PERTAINING TO THE INTERNAL REVENUE CODE

Section 3.01 General Tax Covenants.

The County will comply with all requirements of the Internal Revenue Code of 1986, as amended (the "Code"), in order to preserve the tax-exempt status of the Agreement including without limitation, the requirement to file the information report pertaining to the Agreement with the Internal Revenue Service.

Section 3.02 General Tax Representations and Covenants.

The County hereby represents and covenants that it will not take any action which will, or fail to take any action which failure will, cause the interest component of rental payments made pursuant to the Agreement to become includable in the gross income of the Lessor, or its assigns, for federal income tax purposes pursuant to the provisions of the Code and regulations promulgated thereunder in effect on the date of original execution of the Agreement. Without limiting the generality of the foregoing, the County represents and covenants that:

- (a) All property provided by the net proceeds of the Agreement will be owned by the County in accordance with the rules governing the ownership of property for federal income tax purposes.
- (b) The County shall not permit the proceeds of the Agreement or any facility financed with the proceeds of the Agreement to be used in any manner that would result in (a) ten percent (10%) or more of such proceeds being considered as having been used directly or indirectly in any trade or business carried on by any natural person or in any activity carried on by a person other than a natural person other than a governmental unit as provided in Section 141(b) of the Code, or (b) five percent (5%) or more of such proceeds being considered as having been used directly or indirectly to make or finance loans to any person other than a governmental unit as provided in Section 141(c) of the Code.
- (c) The County is not a party to or nor will it enter into any contracts with any person for the use or management of any facility provided with the proceeds of the Agreement that do not conform to the guidelines set forth in Revenue Procedure 2017-13.
- (d) The County will not sell or lease the Equipment or any property provided by the Agreement to any person unless it obtains the opinion of nationally recognized bond counsel that such lease or sale will not affect the tax exemption of the Agreement.
- (e) The Agreement will not be federally guaranteed within the meaning of Section 149(b) of the Code. The County has not entered into any leases or sales or service contract with any federal government agency and will not enter into any such leases or contracts unless it obtains the opinion of nationally recognized bond counsel that such action will not affect the tax exemption of the Agreement.

Section 3.03 Qualified Tax-Exempt Obligation.

The County Administrator may designate the Bond as a “qualified tax-exempt obligation” within the meaning of Section 265(b)(3)(B) of the Code, upon advice of Bond Counsel.

ENACTED this ____ day of _____, 2025.

(SEAL)

COUNTY COUNCIL OF
NEWBERRY COUNTY, SOUTH CAROLINA

Robert Shealy, Chairman, County Council
of Newberry County, South Carolina

Attest:

Andrew Wigger, Clerk to Council, Newberry County,
South Carolina

First Reading: September 3, 2025

Second Reading: September 17, 2025

Third Reading: October 1, 2025

EXHIBIT A

EQUIPMENT

- a. One (1) fire engine
- b. Two (2) ambulances
- c. Two (2) heart monitors and two (2) CPR devices for ambulances

STATE OF SOUTH CAROLINA

COUNTY OF NEWBERRY

I, the undersigned, Clerk to Council of Newberry County, South Carolina, DO HEREBY CERTIFY:

1. That the foregoing is a true, correct, and verbatim copy of an Ordinance enacted by the County Council of Newberry County on _____, 2025, at which a majority/all members were present. It was first introduced at the regular meeting of County Council held on _____, 2025. At that meeting, it was given first reading by the majority/unanimous vote of the County Council. Afterwards, at the regular meeting of the County Council held on _____, 2025, it was given its second reading, and at the regular meeting of the County Council held on _____, 2025, it was given third and final reading by the unanimous vote of County Council. At each of said meetings, a quorum of County Council was present at all times during the proceedings pursuant to which the aforesaid Ordinance was adopted, the original of which is duly entered in the record of minutes of the aforesaid meetings of said County Council in my Custody as such Clerk.

2. As required by Title 30, Chapter 4 of the Code of Laws of South Carolina 1976, as amended (the "*Act*"), being the Freedom of Information Act, a copy of the agenda of each of the meetings of the County Council referenced in the preceding paragraph (showing the date, time and place of the meeting), was, at least 24 hours prior to each such meeting, posted on a designated bulletin board in the administrative offices of the County, posted on the County's public website, and provided to news media and others requesting such information. The agenda for each of the meetings listed in the preceding paragraphs included as an item the reading of the aforesaid Ordinance and was made publicly available in accordance with the preceding sentence.

IN WITNESS WHEREOF, I have hereunto set my Hand and the Seal of the County Council this _____ day of _____, 2025.

(SEAL)

Andrew Wigger Clerk, Newberry County Council