



**NEWBERRY COUNTY COUNCIL  
COUNTY COUNCIL AGENDA  
Newberry Courthouse Annex  
1309 College Street, Newberry, SC 29108  
February 18, 2026  
6:00 P.M.**

Call to order: Robert Shealy, Chairman.  
Invocation and Pledge of Allegiance: Travis Reeder, Council Member.

1. Adoption of Consent Agenda:
  - a. Newberry County Council Meeting Minutes – January 18, 2026.
  - b. Newberry County Public Safety and Courts Committee – February 9, 2026.
  
2. Additions, Deletions & Adoption of the Agenda.
  
3. Special Recognition:
  - a. Employee Recognition:

i.	Chase Goodwin	5 years	NCSO
ii.	Haley Gantt	10 years	NCSO
  
4. FEMA Reimbursement from Hurricane Helene Update from Chris Wood of Berquist Consulting.

5. Ordinance No. 02-01-2026. Amending and Restating an Ordinance Entitled “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. Second Reading.
  
6. Executive Session:
  - a. Economic Development Matter(s):
    - i. Discussion of matters related to *Project Nova 2025* pursuant to SC Code of Laws Section 30-4-70(a)(5)
  
7. Ordinance No. 02-02-2026. An Ordinance Authorizing the Execution and Delivery of a Fee-In-Lieu of Ad Valorem Taxes Agreement by and Between Newberry County, South Carolina and *Project Nova 2025* to Provide for Payment of a Fee-In-Lieu of Taxes; Authorizing Certain Infrastructure Credits; and Other Related Matters.
  - a. First Reading.
  
8. Appointments.
  
9. Public Comments (Three Minutes).
  
10. Comments/Requests from County Administrator.
  
11. Comments/Requests from Council.
  
12. Future meetings:
  - a. Newberry County Council Work Session – March 4 at 5 p.m.
  - b. Newberry County Council – March 4 at 6 p.m.
  - c. Newberry County Council Work Session – March 18 at 5 p.m.

- d. Newberry County Council – March 18 at 6 p.m.
- e. Newberry County Economic Development Committee – March 23 at 5 p.m.
- f. Newberry County Council Budget Work Session – March 24 at 5 p.m.
- g. Newberry County Council Budget Work Session – March 25 at 5 p.m.

13. Adjournment.

**NEWBERRY COUNTY COUNCIL  
MINUTES  
February 4, 2026**

Newberry County Council met on Wednesday, February 4, 2026, at 6:00 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: Robert Shealy, Chairman  
Karl Sease, Vice-Chairman  
Leon Fulmer Jr., Council Member  
Todd Johnson, Council Member (virtual)  
Travis Reeder, Council Member  
Johnny Mack Scurry, Council Member  
Stuart Smith, Council Member  
Ted Luckadoo, County Administrator  
Jeff Shacker, County Administrator  
Joanie Winters, County Attorney  
Karen Brehmer, Deputy County Administrator  
Captain Ben Chapman, NCSO  
Captain Daniel Floyd, Detention Center  
Sheriff Lee Foster, NCSO  
Coroner Laura Kneece, Coroner's Office  
Deputy Coroner Desiree Monts, Coroner's Office  
Eric Nieto, IT Director  
Brandon Wicker, Emergency Services Coordinator  
Andrew Wigger, Clerk to Council/PIO

Mr. Sease called the meeting to order at 6:00 p.m.

Mr. Scurry led the invocation and Pledge of Allegiance in place of Mr. Johnson.

1. Adoption of Consent Agenda:

- a. Newberry County Council Work Session Minutes – January 21, 2026.

- b. Newberry County Council Meeting Minutes – January 21, 2026.
- c. Newberry County Council Special Called Meeting – January 23, 2026.

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

## 3. Special Recognition:

- a. Prosperity Fire Station 2, Prosperity Rescue Squad 17, Hazmat Station 12.

- Mr. Wicker and Chief Robert Dennis recognized the stations listed above for their accomplishments, history and other accolades, as well as highlighting the work they do throughout the year.

## 4. Recap of Emergency Response to Winter Storm Fern – Tommy Long, Emergency Services Director.

- Mr. Long said that since the agenda was released, the county had another snowstorm.
- Prior to both weather events, daily briefings were held at the Emergency Operation Center with participation from around the county.
- A shelter was opened at Gallman Elementary School, as it has an active generator, during both weather events. A shelter trailer was also utilized that had supplies for the shelter which helped get materials there faster. O'Neal Street United Methodist was also open, and has been for weeks, as a warming center.
- During the first weather event, there were several accidents throughout the county.
- Mr. Long said they have determined they need to look at getting more generators throughout the county, including Mid-Carolina High, Newberry High, Newberry College, and maybe O'Neal Street United Methodist.

- The first storm was a state declared event, so the county should be able to get reimbursement from FEMA.
  - The second storm was not as big event as the ice storm, and there were not as many accidents.
  - The snowstorm was not a state declared event and would probably not receive any FEMA reimbursements.
  - Mr. Shealy said they had more participation than they have had in the past, and he hopes for even more in the future.
  - Mr. Sease asked if there would be a debrief on the ice storm, Mr. Long said he can and will do it via email.
5. A Proclamation recognizing Medicolegal Death Investigators Week in Newberry County.
- Mr. Sease made a motion to accept the Proclamation; Mr. Smith provided the second and the motion carried 7-0.
  - Members of the Newberry County Coroner's Office accepted a copy of the Proclamation.
6. Ordinance No. 02-01-2026. Amending and Restating an Ordinance Entitled "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.
- Mr. Shacker said this bond was proposed in this year's budget to fund the purchase of a tri-axle dump truck, a 20–25-ton trailer, a 6500 series utility truck, etc. The concept was to use cash-on-hand within the debt service fund to pay this bond off.
  - This ordinance streamlines the process for closing the bond. Instead of doing post-sale notice (that has to be done at least seven days prior to closing) the county can do pre-sale notice and move more quickly to close the bond. This will also give council the ability to decide if they need to amend what is proposed to be purchased by resolutions, if there are any issues.

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

7. Consideration and award of a contract for Inmate Food Services for the Newberry County Detention Center (RFP Number 2025-20) – NCSO Captain Daniel Floyd.

- Mr. Floyd said they sent out an RFP and received two proposals and through the selection process, Victus Food Services was the highest scored.
- Mr. Floyd said the detention center has run their own kitchen for many years, but with rising costs they do not have the buying power that a food service provider would, and this also removes some of the liability.
- Mr. Johnson said he appreciates the efforts of the detention center and NCSO and their due diligence.
- Mr. Johnson made a motion to approve the proposal from Victus Food Services; Mr. Sease provided the second.
- Mr. Stuart asked if the food would be prepared and brought in daily; Mr. Floyd said the food would be prepared on site.
- The motion carried 7-0.

8. Appointments.

- There were no appointments.

9. Public Comments (Three Minutes).

- There were no public comments.

10. Comments/Requests from County Administrator.

- Mr. Shacker said significant progress has been made on the CPST projects, and in April to expect an award on the Public Safety Complex. The Newberry Amphitheater will be next, and the goal will have that in May.
- The Safe Streets for All project is in process, with a significant amount of community engagement. The goal will be to have meetings throughout

the county for public engagement. The Whitmire sidewalk project will be put out to bid soon, as well.

- Mr. Johnson said the due diligence of staff has been amazing on the Whitmire project, they have stayed the course and looks like there is a possibility to proceed with that for handrails. He commended the county for that.
- Mr. Luckadoo thanked council for this opportunity, the first two days have been very receptive and welcoming him with open arms. He thanked staff who helped put together the Meet-and-Greet and said it was a good event, with a lot of people attending. He said it was very welcoming, and the elected officials have also been very welcoming. He said he looks forward to helping move Newberry County forward. Mr. Luckadoo also gave appreciation to Mr. Shacker efforts over the past two days, helping to teach him everything he needed to know.

#### 11. Comments/Requests from Council.

- Mr. Fulmer thanked the recognized stations for coming to be with them tonight. He said our volunteers make up the backbone of fire and rescue squad service. He welcomed Mr. Luckadoo and said he is glad he is here with them and they are looking forward to a bright future. He thanked Mr. Shacker for his efforts and everything he has done for the county.
- Mr. Scurry recognized Ms. Leila Caldwell, saying he and her husband graduated together. He said that he had her in his prayers following recent surgeries. Mr. Scurry thanked Mr. Shacker for going the extra mile for his constituents.
- Mr. Shealy wished Ms. Robbiette Hazel a happy birthday.

#### 12. Future meetings:

- a. Public Safety and Courts Committee – February 9 at 5 p.m.
- b. President’s Day – February 16 – Offices Closed.
- c. Newberry County Council Work Session – February 18 at 5 p.m.
- d. Newberry County Council – February 18 at 6 p.m.

13. Adjournment.

- Mr. Smith made a motion to adjourn; Mr. Sease provided the second and the motion carried 7-0.
- Newberry County Council adjourned at 6:42 p.m.

**NEWBERRY COUNTY COUNCIL**

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**Robert Shealy, Chairman**

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**Andrew Wigger, Clerk to Council**

**Minutes Approved:** \_\_\_\_\_

DRAFT

**NEWBERRY COUNTY COUNCIL PUBLIC SAFETY AND COURTS COMMITTEE  
MINUTES  
February 9, 2026**

The Newberry County Council Public Safety and Courts Committee met on Monday, February 9, 2026, at 5:00 p.m. in Council Chambers at the Courthouse Annex, 1309 College Street, Newberry, SC, for a special called meeting.

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

**PRESENT:** Stuart Smith, Committee Chair  
Karl Sease, Committee Member  
Ted Luckadoo, County Administrator  
Eric Nieto, I.T. Director  
Brandon Wicker, Emergency Services Coordinator  
Andrew Wigger, Clerk to Council/PIO

**ABSENT:** Leon Fulmer, Committee Member  
Jeff Shacker, County Administrator

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

Mr. Sease led the Invocation and Pledge of Allegiance.

1. Election of the 2026 Chairman – Jeff Shacker, County Administrator.

- Mr. Smith said with Mr. Fulmer not being here, they will table this agenda item until the next meeting.

2. Additions, Deletions and Adoption of the Agenda.

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

### 3. Updates on Physicals and Software – Brandon Wicker, Emergency Services Coordinator.

- Mr. Wicker said the physicals are going fairly well, with about 36 people signed up. He said the physicals have changed this year as they are doing them at Newberry Health and they are a little more comprehensive.
- There are new OSHA (Occupational Safety and Health Administration) standards requiring all members of the department to have some form of physical. He said they have been doing some digging to find different counties doing tiered physicals. There would be one tier for operators and another tier for everyone else. They are looking to do two tiers of physicals, one that would cut out the treadmill and possibly the lung capacity test.
- Mr. Wicker said they have put in a budget request for more money for the physicals, to get ahead of the curve.
- Mr. Sease asked regarding the individuals who have not completed the lung capacity test, whether they would not be able to wear the SCBA; Mr. Wicker said that is correct and they will work out what is most needed for that tier of physicals.
- Mr. Smith asked about the physicals taking place working around schedules, Mr. Wicker said they have some morning slots and some afternoon slots with the latest being around 7 p.m.
- Regarding software, Mr. Wicker said the departments have been using ImageTrend four about 15 years, and about a year ago questions came up about the difficulty of the system. He said they started looking if there was an easier way to use the system without much luck.
- Mr. Wicker said they looked at other systems including ESO and First Due. He said ESO is rather pricey for the way they'd need it set up, but it's a good system. He said First Due works similar to ESO, neighboring counties seem to like the First Due system, and the price wasn't as high.
- Mr. Wicker said ESO was priced at about \$47,000 annually, First Due was \$29,600 annually.
- Mr. Wicker said he is asking tonight to do a prorated account that would begin as soon as they get the paperwork out, March-July, and then start the new contract in August. The amount for the prorated portion would be a little over \$18,000 more.

- Mr. Sease said they would just recommend it to full council, Mr. Luckadoo added that it would give staff a chance to look over the request and the numbers.
- Mr. Luckadoo asked what the current cost was, Mr. Wicker said it was in the neighborhood of about \$20,000.

4. Update on Emergency Services Projects – Tommy Long, Emergency Services Director.

- Mr. Long provided an update on what has been going on with Newberry County Fire and Rescue.
- Station generators have been going in at Pomaria, Little Mountain, Newberry Rescue, St. Phillips. They are in the process of putting in the pads now and should be completed by around April.
- The two new ambulances have been put into service. Fairview's new engine should be delivered in the next few weeks.
- St. Phillips roof repair has been completed and that should take care of the leaks.
- Mr. Sease asked if the roof repair was due to the recent hailstorm; Mr. Long said it was not and something they noticed when Hurricane Helene came through.
- Mr. Smith asked what the plan for the ambulances that will be taken out of service; Mr. Long said that they will try and sell them and put that money back into replacing another vehicle.

5. Update on Newberry County EMS – Mike Hall, Newberry County EMS Director.

- Mr. Hall provided updates on staffing, he said that when he started in November, there were five vacancies with three of those being filled and the need to fill the other two.
- For his upcoming budget request, Mr. Hall requested two additional trucks as two of his current trucks are over 200,000 miles and two others are over 250,000 miles. He said if they don't get the two trucks this year, they will have to get them next year.

- Mr. Hall has made a request to have supervisors backfill their positions to get them off the trucks. He said Newberry County is the only county in the area that still has supervisors on the trucks. He said they cannot be successful doing multiple jobs.
- Mr. Hall said they have made some adjustments to how they handle mutual aid for neighboring counties. He said that Newberry County EMS is receiving calls a lot of times because the other county has an extended ETA for low acuity calls, taking resources out of the county to send to another county for something that is not high acuity nature. They have started a policy internally where they are not sending resources outside of the county for low acuity calls.
- Mr. Smith asked what the year model of the two ambulances that were over 200,000 miles; Mr. Hall said he did not have the fleet list, but he can provide that. He added the fleet average per year is 30,000-40,000.

#### 6. Recent Winter Storm Response – Chris Johnson, Board of Rescue Squads Chair.

- Mr. Johnson wanted to highlight data from the last two winter storms.
- During those two weekends, all the squads combined responded to 38 calls for service, 16 ambulance responses or transports.
- During the peak of the storm, the chiefs and department heads agreed for the low acuity calls they would either not respond an ambulance or they were going to respond QRV first.
- A minimum of 30 members were standing by at the stations for response, and that number peaked at 40 volunteers staffing the stations. Station 13 averaged two to three personnel, Station 14 (during the ice storm) managed between five and eight, and four to five personnel during the snowstorm.
- They also assisted with the emergency shelter and keeping a check on them. Station 15 was manned with one to five personnel at times Saturday to Sunday, during the snowstorm. They responded to a call and were able to bring two of the uninjured individuals back to their station, out of the weather.
- Station 16 was manned for a total of seven days, between the two storms, with a minimum of three personnel at all times.

- Station 17 had three personnel staffing their station. Station 18 averaged 10 personnel staffing their station both weekends. Station 19 averaged eight personnel staffing their station.
- During the ice storm, Stations 18 and 19 responded to a wreck with entrapment. Station 19 along with EMS responded to a cardiac arrest on Sunday of the snowstorm and were able to get a pulse back – Station 19's ambulance had to transport that patient to Columbia during the storm. That truck is 25 years old and needs to be replaced.
- Mr. Johnson said he is impressed with what the volunteers were able to accomplish during the storms.
- Mr. Smith thanked Mr. Johnson and all the chiefs for their hard work and all of the volunteers work and assistance during the storms.

#### 7. Presentation from Joe Palmer, Friendly Fire Chief.

- Mr. Palmer presented a proposed plan to improve Newberry County fire services, which would require additional revenue, staff, new capital, etc. Mr. Palmer also provided data on current response times, along with other pertinent data for fire services.
- Mr. Luckadoo asked Mr. Palmer if he had heard of Emergency Services Consulting International; Mr. Palmer said he had heard of them but never worked with them.
- Mr. Luckadoo said he used them for the fire chief search at Lexington County, but they provide master planning services and will bring people in.
- Mr. Palmer said getting someone to facilitate that would benefit the county so they can have collective conversation regarding this issue.
- Mr. Sease said that he has been on the committee the last couple years and realized the county is behind. He said there was a plan to buy a truck every year, and they didn't do that. He said they need to get a plan together to start thinking about the future. He said they cannot do it all at once, but they can start chipping away.
- Mr. Luckadoo said he believes there is value in having an intermediate facilitator leading that charge and doing an independent evaluation and review. He said he thinks they will create a roadmap based on your current situation and funding. Mr. Palmer said he thinks that is a grand idea.

## 8. Public Comments.

- Mr. Terry Russell, fire rescue chief of Stations 10 and 15 in Chappells, he said they have 10 members, he said he guesses the committee received the proposed plan, but he had questions regarding the plan. He asked if this would be a continuing millage increase or a one time only; Mr. Smith said that is something they'd have to work on, and this is only the planning stages. He said there has been a rolling stock plan for years, and the emergency service director puts in the budget what they need, but they are not bought. He said this is a Council and Administrator issue, and if they ask for equipment and cut out of the budget, where does it go. He said if they say they need five trucks, and they don't get five trucks, their board doesn't have any teeth. He said he is not in the way of hiring or getting equipment for what they need to do, but having paid firefighters in the city does not help the people of Chappells.
- Mr. Paul Cromer, of Fairview Fire Department, said he wanted to back Mr. Palmer, he said there is no doubt at Fairview that they need help, and they've known that for a long time. He said he does not think they can do the job today without paid firefighters. He said they are very interested in getting paid firefighters. He said he knows you have to crawl before you can walk, and he knows if they can do only a little at a time, they'd appreciate it.

## 9. Comments from Committee Members.

- Mr. Sease said you have different groups all over the county and they have stations that definitely need help. He said if they can get some paid firefighters that can roam around the county, especially during the day, that could improve response times. He said they need to get a plan together, have a group come in and do an evaluation to help find the county's needs.
- Mr. Smith thanked the volunteers for all their hard work, day in and day out. He said they have come a long way, and they are working on improvements and finding the best solution.

10. Adjournment.

- Mr. Sease made a motion to adjourn; Mr. Smith provided the second and the motion carried 2-0.
- Newberry County Council Public Safety and Courts Committee adjourned at 6:28 p.m.

**NEWBERRY COUNTY COUNCIL PUBLIC SAFETY  
AND COURTS COMMITTEE**

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**Stuart Smith, Committee Chairman**

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**Andrew Wigger, Clerk to Council**

**Minutes Approved:** \_\_\_\_\_

AN ORDINANCE

AMENDING AND RESTATING AN ORDINANCE ENTITLED “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”

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EXHIBIT A -- NOTICE OF PUBLIC HEARING  
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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. By ordinance enacted on September 17, 2025, the Council authorized the issuance of a \$405,000 general obligation bond to provide funds with which to defray the cost of the Equipment (the “2025 Ordinance”). The Council is hereby amending and restating the 2025 Ordinance to provide for the 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, which shall be published not less than 15 days prior to the date set by the County Administrator for such public hearing, shall be substantially as set forth as **Exhibit A** attached hereto.

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**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, the County Administrator, 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 Administrator” means the County Administrator of the County.

“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 15<sup>th</sup> day immediately preceding the Bond Payment Date.

“Registrar” means the County, acting through an Authorized Officer or the Clerk to Council.

“2025 Ordinance” shall have the meaning given thereto in Section 1.01 of this Ordinance.

## 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 12 months from its date of issue and shall be payable as to principal and interest on such single Bond Payment Date, all as determined by an Authorized Officer.

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 30 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 from at least three (3) financial institutions 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.

Notice of Sale of the Bond shall be provided in accordance with State law, pursuant to either S.C. Code Ann. §11-21-40(4) or S.C. Code Ann. §11-27-40(9)(b), as determined by the County Administrator, in form substantially similar to those appearing at **Exhibit C** hereto, provided that for publication purposes a summary of the notice promulgated in accordance with S.C. Code Ann. §11-27-40(9)(b) may be published.

\* \* \*

**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. The Council by resolution duly adopted may authorize the expenditure of proceeds of the Bond on an item of tangible personal property in lieu of any item of the Equipment.

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, if issued as a federally tax-exempt obligation, 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.

#### Section 8.02 Qualified Tax-Exempt Obligation.

An Authorized Officer 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 and Repealer.

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. This Ordinance upon enactment shall be deemed to repeal the 2025 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 Amending and Restating an Ordinance Entitled ‘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 \_\_\_\_\_, 2026.

NEWBERRY COUNTY COUNCIL

(SEAL)

\_\_\_\_\_  
Chairman

Attest:

\_\_\_\_\_

Clerk

**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 \_\_\_\_\_, 2026, to be held in the Newberry County Council Chambers, 1309 College Street, Newberry, South Carolina, at \_\_\_\_ \_\_ p.m..

Ordinance No. \_\_\_\_\_: An Ordinance Amending and Restating an Ordinance Entitled “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 Andrew T. Wigger, Newberry County Clerk to Council, (803) 321-2160.

\_\_\_\_\_  
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").

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:

_____	Principal	Interest
<u>of Year</u>	<u>Due</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 15<sup>th</sup> 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)

\_\_\_\_\_  
Chairman, Newberry County Council

ATTEST:

\_\_\_\_\_  
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

\_\_\_\_\_ Custodian \_\_\_\_\_  
(Cust) (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 PURSUANT TO S.C. CODE ANN. §11-27-40(9)(b)**

**NOTICE OF SALE**

**\$405,000 GENERAL OBLIGATION BOND, SERIES 2026, OF  
NEWBERRY COUNTY, SOUTH CAROLINA**

SEALED PROPOSALS, addressed to the undersigned, will be received by Newberry County, South Carolina (the “County”), until \_\_\_\_ p.m. (Eastern Standard Time) on \_\_\_\_\_, 2026, at which time said proposals will be publicly opened in the offices of Haynsworth Sinkler Boyd, P.A., 1201 Main Street, 22nd Floor, Columbia, South Carolina, 29201, for the purchase of the **GENERAL OBLIGATION BOND, SERIES 2026, OF NEWBERRY COUNTY, SOUTH CAROLINA** (the “Bond”).

*Tax Status:* The Bond will be designated as a “qualified tax-exempt obligation” within the meaning of Section 265(b)(3)(B) of the Internal Revenue Code. Interest payable under the Bond will be excludable from income for federal income tax purposes, assuming the compliance by the County with certain covenants made in the ordinance by which the Bond is authorized.

The County will 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, but only if the proposal and the Bond state the interest rate which would thereby become applicable upon the occurrence of such event.

*Issuance and Maturity Dates:* The Bond will be dated on or about \_\_, shall accrue interest on a 12/30/360 basis from the dated date, and shall be payable as to principal and interest on \_\_\_\_\_. Both principal and interest will be payable in any coin or currency of the United States of America. The Bond shall not be subject to redemption prior to maturity except as may be proposed by the successful bidder for the Bond.

*Bid Requirements:* The Bond will only be issued as a single instrument, and will bear a single, fixed rate of interest. A bid for less than the entire principal amount of the Bond, or at a price less than par, will not be considered. Any premium offered must be paid as part of the purchase price of the Bond at the delivery thereof.

*Bid Submission:* Proposals must be submitted by email to both [tdubose@hsblawfirm.com](mailto:tdubose@hsblawfirm.com) and to [proposals@compassmuni.com](mailto:proposals@compassmuni.com) by 11:30 p.m. on \_\_\_\_\_, 2026. No other form of bid will be accepted. Only proposals actually received prior to 11:30 p.m. on \_\_\_\_\_, 2026, will be considered. The County, its officers and agents will not receive any bids orally or by any means other than as specified in this paragraph.

Any proposal containing terms in addition to the terms set forth in this Request For Bids or varying any such term will be rejected. The ordinance authorizing the issuance of the Bond has been given final reading by the Newberry County Council, and the County will not seek additional Council action to incorporate additional or varying terms.

*Award of Bond:* The Bond will be awarded no later than 12:00 noon (Eastern Standard Time) on the first business day following the date of the sale to the bidder offering to purchase the Bond at the lowest net interest cost to the County, provided that the County reserves the right to waive technicalities or informalities and to reject any or all proposals, and further provided that in the case of a tie in net interest cost, the award of the Bond, unless all bids are rejected, shall be based upon the flip of a coin. Any premium offered shall be deducted from interest due at the maturity of the Bond in determining net interest cost.

*Costs:* The cost of preparing the Bond and closing documents, as well as fees of Bond Counsel and the County Attorney, will be borne by the County. The County will not be responsible for *any* other costs or fees, including the fees or costs incurred by the Purchaser or any other bidder, provided that any proposed fees of bank counsel shall be treated as additional interest cost in evaluating bids.

*Closing Letter Required:* The successful bidder for the Bond will be required to execute a Written Confirmation of Purchaser in substantially the form attached hereto as Exhibit A and incorporated herein by reference. (*Letter to be provided by bond counsel at time of publication*)

*Security:* The Bond shall constitute a binding general obligation of the County and the full faith, credit and taxing power of the County shall be irrevocably pledged for the payment of the Bond. There shall be levied and collected in the same manner as all other county taxes are levied and collected, a tax, without limit, on all taxable property in the County sufficient to pay the principal of and interest on the Bond as the same becomes due and to create such sinking fund as may be necessary therefor.

*Purpose:* Proceeds of the Bond will be applied by the County to defray the cost of certain equipment for use in County operations and paying costs of issuance.

*Closing Certificates:* The County shall furnish upon delivery of the Bond the final approving opinion of Haynsworth Sinkler Boyd, P.A., Bond Counsel, Columbia, South Carolina, together with closing proofs including (a) a certificate that there is no litigation threatened or pending to restrain the issuance or sale of said Bond, and (b) a certificate establishing that the Bond is not an “arbitrage Bond” within the meaning of Section 148 of the Internal Revenue Code of 1986, as amended, and the applicable regulations as in effect on the occasion of the delivery of the Bond.

*Paying Agent and Registrar:* The County Treasurer of Newberry County will serve as Paying Agent for the Bond; the Clerk to Council of Newberry County will serve as Registrar.

*Delivery:* The Bond will be delivered on or about \_\_\_\_\_, 2026, in Columbia, South Carolina, or such other place agreed to by the County and the Purchaser. The purchase price due at closing must be paid in Federal funds or other immediately available funds. The Bond will be issued as a single Bond, without CUSIP identification. In the event the purchaser of the Bond requires delivery at a location other than Columbia, South Carolina, then it will be sufficient for closing purposes for the County to deliver to the Purchaser on the date of closing a scan of the fully executed Bond and closing documents in PDF format, with originals to be delivered by overnight service the following business day at the expense of the County.

*Audited Financial Statements:* The following URL links to audited financial statements of the County: <http://www.newberrycounty.net/departments/administration/finance/audits>.

*Additional Information:* Persons seeking information should communicate with Debbie Cromer, County Finance Director, Newberry County, 1309 College Street, Newberry, South Carolina 29108, telephone (803) 321-2100 or Theodore B. DuBose, bond counsel, Haynsworth Sinkler Boyd, P.A., 1201 Main Street, Columbia, South Carolina 29201, telephone (803) 540-7830, or the County's Financial Advisor, Brian Nurick, Compass Municipal Advisors, LLC, 1310 Pulaski Street, Columbia, South Carolina 29201, telephone (859) 368-9619.

There is no official bid form. Each bid shall be conditioned in accordance herewith.

Newberry County, South Carolina

**NOTICE OF SALE PURSUANT TO S.C. CODE ANN. §11-27-40(4)**

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: \_\_\_\_\_.

\_\_\_\_\_  
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: \_\_\_\_\_

Second reading: \_\_\_\_\_

Third reading: \_\_\_\_\_

Public Hearing: \_\_\_\_\_

STATE OF SOUTH CAROLINA  
COUNTY COUNCIL FOR NEWBERRY COUNTY  
ORDINANCE NO. 02-02-2026

**AUTHORIZING THE EXECUTION AND DELIVERY OF A FEE-IN-LIEU OF *AD VALOREM* TAXES AGREEMENT BY AND BETWEEN NEWBERRY COUNTY, SOUTH CAROLINA AND PROJECT NOVA 2025 TO PROVIDE FOR PAYMENT OF A FEE-IN-LIEU OF TAXES; AUTHORIZING CERTAIN INFRASTRUCTURE CREDITS; AND OTHER RELATED MATTERS.**

WHEREAS, Newberry County, South Carolina (“County”), acting by and through its County Council (“County Council”) is authorized pursuant to the provisions of Title 12, Chapter 44, Code of Laws of South Carolina, 1976, as amended (“FILOT Act”), to encourage manufacturing and commercial enterprises to locate in the State of South Carolina (“South Carolina” or “State”) or to encourage manufacturing and commercial enterprises now located in the State to expand their investments and thus make use of and employ the manpower, products, and other resources of the State by entering into an agreement with a sponsor, as defined in the FILOT Act, that provides for the payment of a fee-in-lieu of *ad valorem* tax (“FILOT Payments”), with respect to economic development property, as defined in the FILOT Act;

WHEREAS, pursuant to Article VIII, Section 13 of the South Carolina Constitution and Title 4, Section 1, Code of Laws of South Carolina, 1976, as amended (collectively, “MCIP Act”), the County is authorized to jointly develop multicounty parks with counties having contiguous borders with the County and, in the County’s discretion, include property within the boundaries of such multicounty parks. Under the authority provided in the MCIP Act, the County has created a multicounty park with Greenwood County more particularly known as Master Agreement Governing the Greenwood-Newberry Industrial Park dated as of December 31, 2012 (“Park”);

WHEREAS, pursuant to the FILOT and MCIP Acts, the County is authorized to provide credits (“Infrastructure Credits”) against FILOT Payments derived from economic development property to pay costs of designing, acquiring, constructing, improving or expanding (i) infrastructure serving a project or the County and (ii) improved and unimproved real estate and personal property used in the operation of a commercial enterprise or manufacturing facility (“Infrastructure”);

WHEREAS, Project Nova 2025, (“Sponsor”), desires to expand its manufacturing facility in the County (“Project”) consisting of taxable investment in real and personal property of not less than \$15,290,000 and the creation of sixteen (16) new, full-time jobs; and

WHEREAS, at the request of the Sponsor and as an inducement to locate the Project in the County, the County desires to enter into a Fee-in-Lieu of *Ad Valorem* Taxes Agreement with the Sponsor, as sponsor, the final form of which is attached as Exhibit A (“Fee Agreement”), pursuant to which the County will provide certain incentives to the Sponsor with respect to the Project, including (i) providing for FILOT Payments, to be calculated as set forth in the Fee Agreement, with respect to the portion of the Project which constitutes economic development property; and (2) providing Infrastructure Credits, as described in the Fee Agreement, to assist in paying the costs of certain Infrastructure.

NOW THEREFORE, BE IT ORDAINED, by the County Council as follows:

**Section 1. Statutory Findings.** Based on information supplied to the County by the Sponsor, County Council evaluated the Project based on relevant criteria including, the purposes the Project is to accomplish, the anticipated dollar amount and nature of the investment, employment to be created and the anticipated costs and benefits to the County, and hereby finds:

(a) The Project is anticipated to benefit the general public welfare of the County by providing services, employment, recreation, or other public benefits not otherwise adequately provided locally;

(b) The Project gives rise to no pecuniary liability of the County or incorporated municipality or a charge against its general credit or taxing power;

(c) The purposes to be accomplished by the Project are proper governmental and public purposes and the benefits of the Project are greater than the costs.

**Section 2. *Approval of Incentives; Authorization to Execute and Deliver Fee Agreement.*** The incentives as described in this Ordinance (“Ordinance”), and as more particularly set forth in the Fee Agreement, with respect to the Project are hereby approved. The form, terms and provisions of the Fee Agreement that is before this meeting are approved and all of the Fee Agreement’s terms and conditions are incorporated in this Ordinance by reference. The Chair of County Council (“Chair”) is authorized and directed to execute the Fee Agreement in the name of and on behalf of the County, subject to the approval of any revisions or changes as are not materially adverse to the County by the County Administrator and counsel to the County, and the Clerk to County Council is hereby authorized and directed to attest the Fee Agreement and to deliver the Fee Agreement to the Sponsor.

**Section 3. *Inclusion within the Park.*** To the extent the Project is not already located in the Park, the expansion of the Park boundaries to include the Project is authorized and approved. The Chair, the County Administrator and the Clerk to County Council are each authorized to execute such documents and take such further actions as may be necessary to complete the expansion of the Park boundaries. Pursuant to the terms of the agreement governing the Park (“Park Agreement”), the expansion of the Park’s boundaries and the amendment to the Park Agreement is complete on adoption of this Ordinance by County Council and delivery of this Ordinance to the Clerk to County Council of Greenwood County.

**Section 4. *Inducement Resolution.*** The Project was induced by the County Council on December 17, 2025, by the adoption of an inducement resolution under the code name “Project Nova” (the “Inducement Resolution”), and to the extent there are any inconsistencies between this Ordinance and the Inducement Resolution, the terms of this Ordinance shall prevail and the Inducement Resolution shall be deemed amended hereby to make the terms of the Inducement Resolution consistent with the terms of this Ordinance.

**Section 4. *Further Assurances.*** The County Council confirms the authority of the Chair, the County Administrator, the Director of Economic Development, the Clerk to County Council, and various other County officials and staff, acting at the direction of the Chair, the County Administrator, the Director of Economic Development or Clerk to County Council, as appropriate, to take whatever further action and to negotiate, execute and deliver whatever further documents as may be appropriate to effect the intent of this Ordinance and the incentives offered to the Sponsor under this Ordinance and the Fee Agreement.

**Section 5. *Savings Clause.*** The provisions of this Ordinance are separable. If any part of this Ordinance is, for any reason, unenforceable then the validity of the remainder of this Ordinance is unaffected.

**Section 6. *General Repealer.*** Any prior ordinance, resolution, or order, the terms of which are in conflict with this Ordinance, is, only to the extent of that conflict, repealed.

**Section 7. *Effectiveness.*** This Ordinance is effective after its third reading and public hearing.

NEWBERRY COUNTY, SOUTH CAROLINA

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Chair, Newberry County Council

(SEAL)  
ATTEST:

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Clerk of Council, Newberry County Council

First Reading:  
Second Reading:  
Public Hearing:  
Third Reading:

**EXHIBIT A**  
**FORM OF FEE AGREEMENT**