NEWBERRY COUNTY COUNCIL
COUNTY COUNCIL AGENDA
NEWBERRY COURTHOUSE ANNEX
1309 COLLEGE STREET, NEWBERRY, SC 29108
August 5, 2026
6:00 P.M.

1. Call to order: Robert Shealy, Chairman.

2. Invocation and Pledge of Allegiance: Robert Shealy, Chairman.

3. Adoption of Minutes:
    a. Newberry County Council Work Session Minutes – July 15, 2026.
    b. Newberry County Council Minutes – July 15, 2026.

4. Approval of Agenda.

5. Proclamations/Resolutions:

6. Administrator's Report:
    a. Project Updates.

7. Chairman's Comments.

8. Public Hearings:
    a. Ordinance 07-01-2026. To provide for the issuance and sale of a general obligation bond, not exceeding $650,000 principal amount, to provide for the payment of 2014 Installment Purchase Revenue bond and 2026 Lease Purchase.

9. Public Comments Regarding Items on the Agenda (three minutes).

10. Old Business:
    a. Second Reading – Ordinance 07-01-2026. To provide for the issuance and sale of a general obligation bond, not exceeding $650,000 principal amount, to provide for the payment of 2014 Installment Purchase Revenue bond and 2026 Lease Purchase.

11. New Business:
    a. Resolution 04-2026. Declaring the Intention of Newberry County to Reimburse Itself for Certain Expenditures Relating to the 2026-2027 Lease-Purchase.

b. First Reading – Ordinance 08-01-2026. Authorizing the Execution of an Equipment Lease-Purchase Agreement in an Amount Not Exceeding $2,475,000 for the Purchase of 1 Fire Truck, 2 Ambulances, 1 Dump Truck, One Trailer, and One Patching Machine.
c. First Reading – Ordinance 08-02-2026 Amending the Text of Newberry County Code of Ordinances Relating to Single Site Burials
d. Consideration and approval of a bid for the Downtown Newberry Amphitheater and Pavillion 2022 CPST (RFP 2026-11).

12. County Council may take action on matters discussed during executive session during the 5 p.m. meeting.

13. Appointments:
    a. Newberry County Memorial Hospital Board – District 5.
    b. Upper Savannah Workforce Development Board.

14. Adjournment.

Future Meetings:

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a. Newberry County Council Work Session – August 19 at 5 p.m.
b. Newberry County Council – August 19 at 6 p.m.
c. Newberry County Economic Development Committee – August 24 at 6 p.m.
d. Newberry County Council Work Session – September 2 at 5 p.m.
e. Newberry County Council – September 2 at 6 p.m.
f. Labor Day – September 7 – Offices Closed.

NEWBERRY COUNTY COUNCIL WORK SESSION
MINUTES
July 15, 2026

Newberry County Council met on Wednesday, July 15, 2026, 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
Ted Luckadoo, County Administrator
Joanie Winters, County Attorney
Debbie Cromer, Finance Director
Rick Farmer, Economic Development Director
Jessie Long, Economic Development Coordinator
Eric Nieto, IT Director
Karen Lindler Smith, Treasurer
Andrew Wigger, Clerk to Council/PIO

1. Call to order: Robert Shealy, Chairman.

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

2. Discussion of Ordinance 07-01-2026 to provide for the issuance and sale of a general obligation bond, not exceeding $650,000 principal amount, to provide for the payment of 2014 Installment Purchase Revenue bond and 2026 Lease Purchase.

- Mr. Luckadoo said he believes this is similar to what the county has done in previous years. He said they have two payments due around the December timeframe. Between July and December there is not much revenue coming into the county, rather than fund balance dwindling down, the county would issue this GO bond, make those two payments and then pay this off in April, after the bulk of the tax revenue comes in.

3. Executive Session:
    a. Receipt of legal advice of contractual matters relating to Workforce Development (WDA).
    b. Receipt of legal advice regarding the appointment to a County Board/Commission.

- Mr. Sease made a motion to go into Executive Session; Mr. Reeder provided the second and the motion carried 7-0.
- Newberry County Council went into Executive Session at 5:02 p.m.
- Mr. Johnson made a motion to come out of Executive Session; Mr. Reeder provided the second and the motion carried 7-0.
- Mr. Shealy said no action was taken.

4. Adjournment.
    - Mr. Johnson made a motion to adjourn; Mr. Sease provided the second and the motion carried 7-0.
    - The Newberry County Council Work Session adjourned at 5:52 p.m.

NEWBERRY COUNTY COUNCIL

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Robert Shealy, Chairman

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Andrew Wigger, Clerk to Council

Minutes Approved: _______________

NEWBERRY COUNTY COUNCIL
MINUTES
July 15, 2026

Newberry County Council met on Wednesday, July 15, 2026, at 6:00 p.m. at the Newberry County Council Chambers at 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, Council Member
Todd Johnson, Council Member
Travis Reeder, Council Member
Johnny Mack Scurry, Council Member
Stuart Smith, Council Member
Ted Luckadoo, County Administrator
Joanie Winters, County Attorney
Karen Brehemer, Deputy County Administrator
Major Ben Chapman, NCSO
Debbie Cromer, Finance Director
Rick Farmer, Economic Development Director
Jessie Long, Economic Development Coordinator
Eric Nieto, IT Director
Hon. Kelly Nobles, Probate Judge
Andrew Wigger, Clerk to Council/PIO

1. Call to order: Robert Shealy, Chairman.

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

2. Invocation and Pledge of Allegiance: Karl Sease, Vice-Chair.

    - Mr. Sease led the Invocation and Pledge of Allegiance.

3. Adoption of Minutes:

a. Newberry County Economic Development Committee Minutes – June 15, 2026.
b. Newberry County Council Work Session Minutes – June 17, 2026.
c. Newberry County Council Minutes – June 17, 2026.

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

4. Approval of Agenda.

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

5. Proclamations/Resolutions:
   a. Proclamation recognizing July as Parks and Recreation Month in Newberry County.

- Mr. Sease made a motion to accept the Proclamation; Mr. Smith provided the second and the motion carried 7-0.
- Employees of the Newberry County Recreation Department and volunteers accepted a copy of the Proclamation.

6. Administrator's Report:
   a. Employee Recognition: Kelly Nobles (35 years Probate Court).

- Mr. Luckadoo recognized Ms. Nobles for her service to Newberry County, highlighting her accomplishments and pivotal moments while working for Newberry County.

   b. Project Updates.

- Mr. Luckadoo announced that the county received a S.C. Department of Environmental Services Hazardous Waste Management Grant, which will be utilized to purchase a full-size excavator for Public Works. The grant award is $250,000 and the county will match $30,000.
- There will be a Statewide Special Primary Election, following the death of Senator Graham, the primary will be Tuesday, August 11.

- The bid for the roadway extension and pad within the Mid-Carolina Commerce Park should be out by July 23 and should be brought to Newberry County Council in September. Bids were opened for the Newberry Amphitheater project, and that should be brought back to council on August 5. Staff should be bringing the Old Gallman School interior project back to council in August, as well.
- Four Public Engagement Sessions were held for the Safe Streets for All Safety Action Plan. The consultants were happy with the turnout at each one of the sessions. The consultants will compile a report based on the data and a second round of engagement meetings will be held later this year.
- Mr. Luckadoo thanked Sheriff Lee Foster, the leadership team at the NCSO, and all of the 911 dispatchers for their recent hard work and action. On July 6, Newberry County took a beating with lighting strikes, with the Newberry County 911 building taking a direct lighting strike, causing significant damage to the equipment. He also thanked Motorola for responding quickly.

7. Chairman's Comments.

- Mr. Shealy echoed Mr. Luckadoo's statements about Newberry County's dispatch and said the public wouldn't have noticed because despite what was going on, as they didn't miss a call.

8. Public Hearings:
   a. Ordinance 06-01-2026 to provide for a limited and temporary moratorium on Data Centers in Newberry County and invoking application of the Pending Ordinance Doctrine.

- The following residents spoke in favor of the moratorium, and against data centers, Vicki Bilka and Amanda Moss.

9. Public Comments Regarding Items on the Agenda (three minutes).

- There were no public comments.

10. Old Business:

a. Third Reading – Ordinance 06-01-2026 to provide for a limited and temporary moratorium on Data Centers in Newberry County and invoking application of the Pending Ordinance Doctrine.

- Mr. Sease made a motion to accept third reading; Mr. Reeder provided the second.
- Regarding the language in the Ordinance where it states, "no longer than 12 months following the adoption of the Ordinance." Mr. Fulmer asked for clarification if they can extend this, if they want to.
    - Ms. Winters said they would just amend the Ordinance, if they so choose.
- The motion carried 7-0.

11. New Business:

a. Ordinance 07-01-2026 to provide for the issuance and sale of a general obligation bond, not exceeding $650,000 principal amount, to provide for the payment of 2014 Installment Purchase Revenue bond and 2026 Lease Purchase – Title Only.

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

12. Appointments:

a. Newberry County Memorial Hospital Board – District 5.

- Mr. Smith announced that his nomination has declined and he will continue to search.
- Mr. Johnson said Mr. George Oxner, one of his Newberry Hospital Board appointments, has submitted his resignation and he made a motion to accept the resignation; Mr. Sease provided the second and the motion carried 7-0.
- Mr. Johnson made a motion to appoint Mr. David Andrews Sr.; Mr. Smith provided the second and the motion carried 7-0.
- Mr. Johnson made a motion to appoint Mr. David Andrews Jr. to the Board of Rescue Squads, to replace Mr. Andrews Sr.; Mr. Scurry provided the second and the motion carried 7-0.

13. Adjournment.

- Mr. Johnson made a motion to adjourn; Mr. Smith provided the second and the motion carried 7-0.
- Newberry County Council adjourned at 6:26 p.m.

NEWBERRY COUNTY COUNCIL

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Robert Shealy, Chairman

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Andrew Wigger, Clerk to Council

Minutes Approved: ______________

AN ORDINANCE

TO PROVIDE FOR THE ISSUANCE AND SALE OF A GENERAL OBLIGATION BOND OF NEWBERRY COUNTY, SOUTH CAROLINA NOT EXCEEDING $650,000 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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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 the acquisition of certain equipment for emergency functions within the County (collectively, the "Equipment"). The Council further determined that the cost of purchase of the Equipment will be defrayed through the proceeds of a lease-purchase agreement, which was entered into with South State Bank on April 10, 2026 (the "Lease"). Subject to the right of the County reserved in the Lease to not appropriate funds in any fiscal year for the payment due thereunder, the County intends to make annual payments payable under the Lease ("Lease Payments") in order to enjoy the use of the equipment in each fiscal year.

The County has also as of April 30, 2013, entered into with Newberry County Public Facilities Corporation, a South Carolina non-profit corporation (the "Corporation") a Facilities Purchase and Occupancy Agreement (the "Facilities Agreement"). Pursuant to the Facilities Agreement, the Corporation has provided to the County permanent financing for the construction and equipping of the County's public works administration and animal control facility, and the County has agreed, for its use and acquisition of such facility over a term of years, to make annual "Acquisition Payments" to the Corporation. Amounts payable under the Facilities Agreement are not subject to the constitutional debt limit of the County as described in Section 1.02 of this Ordinance.

The Council further presently intends that the Lease Payments and the Acquisition Payments (collectively, the "Annual Appropriation Payments") will be paid from the proceeds of a general obligation bond of the County to be issued annually, in sufficient time to allow for the timely payment of the Annual Appropriation Payments. The payment of Annual Appropriation Payments constitutes an authorized purpose for the issuance of general obligation Bond of the County within the meaning of the County Bond Act.

The Council has determined to presently authorize the issuance of a general obligation bond of the County in order to provide funds with which to pay Annual Appropriation Payments in Fiscal Years 2026-27. The total estimated cost of such Annual Appropriation Payments and, additionally, costs of issuance of the Bond, will not exceed $650,000.

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 2025, which is the last completed assessment thereof, is a sum of not less than $191,124,855, and thus the eight percent (8%) debt limit of the County is not less than $15,289,988. At the time of the issuance of the bond authorized by this Ordinance in December, 2026, the County will have outstanding general obligation debt chargeable against the eight percent (8%) limit in the principal amount of not exceeding $985,943.20. Thus, the Council may issue the general obligation debt provided for by this ordinance without prior referendum.

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.

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ARTICLE II

DEFINITIONS AND AUTHORITY

Section 2.01 <u>Definitions.</u>

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

"Administrative Costs" means all amounts payable by the County to the Corporation under the Facilities Agreement as "Additional Payments".

"Annual Appropriation Payments" shall have the meaning given thereto in Section 1.01 of this Ordinance.

"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. During such time as a State of Emergency exists, the Chairman of the Council and the County Administrator of the County are each empowered to designate any officer or employee of the County as an Authorized Officer for purposes of this Ordinance.

"Bond" or "the Bond" means the Bond issued in accordance with the provisions of this Ordinance. "Bond" means all Bond issued hereunder.

"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.

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

"Facilities Agreement" shall have the meaning given 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.

"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, the Bond theretofore delivered pursuant to this Ordinance except:

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

(b) if the 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 of the month immediately preceding the Bond Payment Date.

"Registrar" means the County, acting through the Clerk to Council.

"State of Emergency" means a period during which a proclamation issued by the Governor of the State pursuant to South Carolina Code Ann. Sec. 1-3-420 (1976, as amended) remains effective in Newberry County.

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.

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ARTICLE III

ISSUANCE OF THE 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 pay Annual Appropriation Payments in Fiscal Year 2027, there shall be issued the Bond, not exceeding $650,000 in principal amount. The Bond shall bear a series designation which reflects the calendar year of issuance and sequence of issuance within calendar year 2026 relative to other general obligation bonds, if any, of the County issued within such calendar year. The County Administrator may, in his sole discretion, determine that the Bond be issued as two or more separate series to reflect a difference in tax-exempt status, the initial source of payment therefore, or any other basis not inconsistent with this Ordinance.

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 principal amount of the Bond shall be sufficient to pay the Annual Appropriation Payment due in Fiscal Year 2026-27, Administrative Costs, and the costs of issuance of the Bond, as determined by the County Administrator. The Bond shall mature no later than June 1, 2027, as determined by the County Administrator.

Section 3.03 Medium of Payment; Form and Denomination of 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.

(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, upon the presentation and surrender for cancellation of the Bond at the office of the Paying Agent, provided, however, that the Paying Agent may, upon advice of the County Administrator, waive presentment prior to the delivery of the Bond Payment to the Holder as provided in this Section 3.03(c).

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 the Bond). The Bond may bear the manual signature of any person who shall have been such an Authorized Officer authorized to sign the Bond at the time the 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 the 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, the Bond. So long as the Bond remains Outstanding, the Registrar shall make all necessary provisions to permit the transfer of the 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.

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 after the Record Date.

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 the 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 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, the 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 the 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.

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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.

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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 from not less than three (3) financial institutions with at least seven (7) days advance notice to institutions so solicited.

Unless all bids are rejected, 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. 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 the Bond exceeds 6.00% per annum. Any counsel fees required to be paid by the County to the purchase of the Bond shall be treated as additional interest in computing net interest cost. The County shall accept no bid which requires an adjustment of interest rate in the event of legislative or regulatory changes. Any bid requiring an adjustment of interest rate on account of an act or omission of the County relating to the federal tax status of the Bond shall not be accepted unless the rate as may be so adjusted or the method for determining the same is set forth in 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.

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ARTICLE VI

DISPOSITION OF PROCEEDS OF SALE OF BOND

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 pay Annual Appropriation Payments and Administrative Costs, if any. 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 the 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 payment of interest on the Bond on the Bond Payment Date.

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 Payment 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 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 facility provided by 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 by the Bond that do not conform to the guidelines set forth in Revenue Procedure 97-13.

4. The County will not sell or lease the 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 property provided by the Bond 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.

"Property provided by the Bond" as used herein any property the lease payments or acquisitions payments for which will be met with proceeds 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, 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 expects that it and entities subordinate thereto will issue no tax-exempt obligations in calendar year 2026 which, along with the Bond to be issued in such calendar year, would aggregate more than $10,000,000 in such calendar year. Accordingly, the Bond is hereby designated as a "qualified tax-exempt obligation" within the meaning of Section 265(b)(3)(B) of the

Code. The County Administrator may counter such designation if, at the time the Bond is issued, such expectation is inaccurate.

Section 8.03 Ability to Meet Arbitrage Requirements.

Careful consideration has been given to the time in which the expenditures of the proceeds of the Bond authorized hereby will be made, and it has been ascertained that all of the money received from the proceeds of the 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 the 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 County further covenants that it will, upon request of the Bondholder, provide it with audited financial statements of the County for the fiscal year ending June 30, 2026 no later than March 1, 2027.

The only remedy for failure by the County to comply with any of the covenants 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.

Subject to Section 5.01 of this Bond Ordinance, the Bond may be issued as a taxable obligation if the County Administrator determines in his sole discretion 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 $650,000 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

Exhibit A

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 Chamber, 1309 College Street, Newberry, South Carolina, at ___________, 2026.

Ordinance No. ______: An Ordinance To Provide For The Issuance And Sale Of A General Obligation Bond Of Newberry County, South Carolina Not Exceeding $650,000 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 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 Wigger, Clerk to Council, (803) 321-2100.

____
Chairman, Newberry County Council

Exhibit B

(FORM OF BOND)

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 date 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 not subject to redemption prior to maturity except as may be agreed to by the County and the Holder hereof.

The principal and interest on this Bond shall be paid on _________, 2027, [upon the presentation and surrender for cancellation of this Bond at the office of 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. The Bond Payment is 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.

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.

Exhibit C

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 matures on ________, 2027, at which time the principal thereof and interest thereon in the amount of $__________ shall be due and payable.

____
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 _______, 2026, at which a majority/all members were present. It was first introduced at the regular meeting of County Council held on _______, 2026. 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 _______, 2026, it was given its second reading and at the regular meeting of the County Council held on _______, 2026, 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 ________ 2026.

(SEAL)

____
Clerk, Newberry County Council

First reading: ____________________

Second reading: ____________________

Third reading: ____________________

Public Hearing: ____________________

A RESOLUTION

DECLARING THE INTENTION OF NEWBERRY COUNTY, SOUTH CAROLINA TO REIMBURSE ITSELF FOR CERTAIN EXPENDITURES WITH THE PROCEEDS OF INDEBTEDNESS TO BE INCURRED BY NEWBERRY COUNTY, SOUTH CAROLINA

WHEREAS, Newberry County, South Carolina (the "County") intends to purchase certain equipment, including one fire truck, two ambulances, one dump truck, one trailer, and one patching machine (collectively herein, the "Equipment"); and

WHEREAS, the total cost the Equipment is expected to be approximately $2,444,000; and

WHEREAS, the County presently intends to issue a not exceeding $2,475,000 lease-purchase obligation of the County (the "Obligation") to defray the cost of the Equipment; and

WHEREAS, the County reasonably expects that a portion of the expenditures incurred for the Equipment will be paid prior to the issuance of the Obligation; and

WHEREAS, the County intends and reasonably expects to reimburse itself for all such expenditures paid by it with respect to the Equipment prior to the issuance of the Obligation from the proceeds of the Obligation and such intention is consistent with the budgetary and financial circumstances of the County, such expenditures to be made from the General Fund of the County; and

WHEREAS, all of the costs to be paid or reimbursed from the proceeds of the Obligation will be for costs incurred in connection with the issuance of the Obligation or will, at the time of payment thereof, be properly chargeable to the capital account of the Equipment (or would be so chargeable with a proper election) under general federal income tax principles.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNTY COUNCIL OF NEWBERRY COUNTY, SOUTH CAROLINA, IN MEETING DULY ASSEMBLED:

Section 1. It is hereby declared that the facts set forth in the recitals to this Resolution are in all respects true and correct and the terms defined in the recitals are incorporated herein.

Section 2. It is hereby declared that the County intends and reasonably expects to reimburse itself with the proceeds of the Obligation for expenditures for the acquisition of some portion or all of the Equipment paid prior to the issuance of the Obligation.

Section 3. This Resolution shall constitute a declaration of official intent under United States Department of the Treasury Regulation Section 1.150-2.

Section 4. The maximum principal amount the Obligation expected to be issued to defray, among other things, the cost of the Equipment is $2,444,000. The maximum principal amount of proceeds of the Obligation to be reimbursed to the County for Equipment costs incurred prior to the issuance of the Obligation is $2,475,000.

Section 6. This declaration shall be made publicly available immediately at the office of the County Council of Newberry County and shall remain publicly available at such offices until the Obligation is issued.

DONE IN MEETING DULY ASSEMBLED THIS ___ DAY OF _________, 2026.

NEWBERRY COUNTY, SOUTH CAROLINA

____
Chairman, Newberry County Council

[SEAL]

Attest:

____
Clerk to Council, Newberry County

STATE OF SOUTH CAROLINA

COUNTY OF NEWBERRY

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

That the foregoing constitutes a true, correct and verbatim copy of a resolution duly adopted by the County Council of Newberry County (the "Council") at a meeting of the Council held on ________, 2026, the original of which resolution is duly entered in the permanent records of minutes of meetings of the Council, in my custody as such Clerk.

That said meeting was duly called, and all members of Council were notified of the same, and all/a majority of the members were present at said meeting and remained throughout the proceedings incident to the reading of said resolution.

Such meeting was held in full compliance with the South Carolina Freedom of Information Act, Chapter 4, Title 30 of the Code of Laws of South Carolina 1976, as amended. Written notice of the same, including an agenda showing the date, time and place of the meeting and including as an item consideration of the resolution, was prominently posted in the administrative office of Newberry County, posted on the County's public website, and provided to local news media, in each case at least twenty-four hours prior to the commencement thereof.

IN WITNESS WHEREOF, I have hereunto set my Hand this ____ day of ______, 2026.

____
Clerk to the County Council of
Newberry County, South Carolina

ORDINANCE # 08-01-2026

AN ORDINANCE AUTHORIZING THE EXECUTION OF AN EQUIPMENT LEASE-PURCHASE AGREEMENT IN AN AMOUNT NOT EXCEEDING $2,475,000 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, including issuance costs, is estimated to be not exceeding $2,475,000. 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 $2,475,000 (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 2028 through 2032, inclusive, in such annual amounts as determined by the County Administrator of the County (the "County Administrator"). Any proceeds of the Agreement including investment earnings remaining available after the purchase of all of the Equipment may be applied in the discretion of the County Administrator to the purchase of additional public safety or public works equipment, which when acquired shall be subject to the remaining terms of the Agreement.

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 special counsel to the County and shall not, in the opinion of such special 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 (the "Lessor"), but subject in any event to the provisions of Section 2.01 of this Ordinance. 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, Agreements.

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 County, 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 special 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.

* * * *

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 special counsel.

* * * *

ARTICLE IV

MISCELLANEOUS

Section 4.01 No General Liability.

Nothing contained in this Ordinance, the Agreement, any Deposit Agreement nor any other instrument shall be construed with respect to the County as incurring a pecuniary liability or charge upon the general credit of the County or against its taxing power, nor shall the breach of any Lease contained in this Ordinance, the Agreement,, any Deposit Agreement or any other instrument or document executed in connection therewith impose any pecuniary liability upon the County or any charge upon its general credit or against its taxing power, except to the extent that the rental payments payable under the Agreement are limited obligations of the County, subject to annual appropriation, as provided herein and in the Agreement.

Section 4.02 Severability.

If any section, paragraph, sentence, clause or provision of this Ordinance shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, sentence, clause or provision shall not affect any of the remaining provisions of this Ordinance.

Section 4.03 Repealer.

All bylaws, orders, resolutions, and ordinances, or parts thereof, inconsistent herewith, are hereby repealed to the extent only of such inconsistency with respect to this Ordinance. This repealer shall not be construed as reviving any bylaw, order, resolution or ordinance or part thereof.

Section 4.04 Effective Date of Ordinance.

The provisions of this Ordinance shall become effective upon third reading hereof.

* * * *

. ENACTED this ___ day of ________, 2025.

(SEAL)

COUNTY COUNCIL OF
NEWBERRY COUNTY, SOUTH CAROLINA

____
Chairman, County Council
of Newberry County, South Carolina

Attest:

____
Clerk to Council, Newberry County,
South Carolina

First Reading: _________, 2025

Second Reading: _________, 2025

Third Reading: _________, 2025

EXHIBIT A

EQUIPMENT	**ESTIMATED COSTS**
One (1) Fire truck	$1,000,000
Two (2) Ambulances	1,100,000
One (1) Dump Truck	220,000
One (1) Trailer	60,000
One (1) Patching Machine	53,236
Total	$2,443,236

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)

____

Clerk, Newberry County Council

STATE OF SOUTH CAROLINA)
) ORDINANCE NO. 08-02-2026
COUNTY OF NEWBERRY)

AN ORDINANCE AMENDING THE TEXT OF THE OFFICIAL CODE OF ORDINANCES OF NEWBERRY COUNTY, SOUTH CAROLINA, AS CODIFIED IN CHAPTER 153 OF THE CODE OF ORDINANCES OF NEWBERRY COUNTY, SOUTH CAROLINA BY AMENDING SECTIONS 153.073 AND 153.131, SINGLE SITE BURIAL

WHEREAS, the County of Newberry (the "County") is a political subdivision of the State of South Carolina; and

WHEREAS, Newberry County Council (the "Council") is a duly elected governing body of the County of Newberry; and

WHEREAS, the Council is vested with the authority to amend, delete, or create ordinances that are in the best interest of the County pursuant to Section 4-9-30 et al of the South Carolina Code of Laws, 1976, as amended; and,

WHEREAS, it has been determined by the Council that certain sections of the Code of Ordinances of Newberry County were in need of review and amendment.

The following sections of the County Code of Ordinances have proposed amendments:

SECTION 1. The Newberry County Code of Ordinances, Title XV Land Usage, Chapter 153, Zoning Code, Section 153.073, is amended as follows:

§153.073 ZONING DISTRICT TABLE OF PERMITTED USES.

(D) *Zoning district table of permitted uses.*

ZONING DISTRICT TABLE OF PERMITTED USES										
Description of Use	***2017 NAICS***	***R2***	***RS***	***RSV***	***RSM***	***RG***	***LC***	***GC***	***IND***	***C/SE Reference***
OTHER SERVICES										
Single Site Burial	812220	C	C	C	C	C				§ 153.131

The Newberry County Code of Ordinances, Title XV Land Usage, Chapter 153, Zoning Code, Section 153.131, is amended as follows:

§153.131 Single Site Burial.

Single site burials shall meet the following requirements where conditionally permitted.

(A) *Certificates and permits required.* The following certificates and permits shall be provided to the Planning Director at time of permitting:

(1) A completed and signed Medical Certification of Death certified by attending physician or the Newberry County Coroner, as authorized under South Carolina law, stating the cause and manner of death. The death certificate shall be completed and signed within forty-eight (48) hours of case designation and submitted to the South Carolina Department of Public Health, Office of Vital Records, within ten (10) days.

(2) A completed paper Death Certificate Form filed with the SC Department of Public Health.

(3) A Burial-Removal-Transit Permit (BRTP) from the SC Department of Public Health Vital Statistics Office.

(B) *Burial materials.* The body must be buried in a minimum of a biodegradable wooden casket, cardboard container, or cloth shroud.

(C) *Gravesite dimensions.* The grave dimensions shall conform to the burial container to fit with a minimum of six feet of soil cover over the top of the casket, container, or shroud.

(D) *Gravesite requirements.*

(1) The grave site must adhere to the zoning setbacks from property lines for the district.

(2) The grave site must be at least 100 feet away from any well, stream, pond, or other water sources.

(E) *Survey and deed.* A professional land survey must be completed to map the exact GPS coordinates and boundaries of the gravesite with an amendment to the property deed to officially record the family cemetery.

SECTION 2. Conflicting Ordinances. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

NOW, THEREFORE BE IT ORDAINED by the County Council of the County of Newberry, in Council duly assembled this ___ day of _____, 2026 that the text of the Zoning Code of Newberry County, South Carolina, as codified in Chapter 153 of the Code of Ordinances of Newberry County, South Carolina, Section 151.073, Zoning District Table of Permitted Uses and 151.131, Single Site Burial shall be amended as prescribed by this ordinance.

NEWBERRY COUNTY COUNCIL

BY: ____________________________

Robert Shealy, Chairman

(SEAL)

ATTEST:

____
Andrew Wigger, Clerk to Council

Approved as to form:

____
Joanie Winters, County Attorney

____
Ted Luckadoo, County Administrator

1st Reading:
2nd Reading:
Public Hearing:
3rd Reading:

BID TABULATION
JLA No. 3606.2402

PROJECT: Downtown Newberry Amphitheater and Pavilion – 2022 CPST

BID NUMBER: 2026-11

BID OPENING DATE: June 17, 2026, at 3:00 PM

LOCATION OF OPENING: 1309 College Street, Newberry, SC 29108

CONTRACTOR'S NAME	BASE BID	ALTERNATE NO.1 Bar, kitchen, storage room work	ALTERNATE NO.2 Green room structure	BID BOND	ACKNOWLEDGED ADDENDA #1 AND #2	ATTACHMENTS TO THE BID
Solid Structures	4,069,180	231,000	298,500	Yes	Yes	
KAHN	4,388,000	335,158	211,887	Yes	Yes	
Tyler	5,298,000	254,000	232,000	Yes	Yes	

ENGINEERING CERTIFICATE
To the best of my knowledge the enclosed bids are mathematically correct.

CMWaldrop
6/19/26

JOHNSON, LASCHOBER & ASSOCIATES, PC

Cindy M. Hall, Notary

Date

Commission Expires