

FILED
NEWBERRY COUNTY
2022 JUL 12 AM 10:19
ELIZABETH P. FOLK
CLERK OF COURT

ORDINANCE NO. 05-18-2022

AN ORDINANCE AUTHORIZING THE EXPENDITURE OF CAPITAL PROJECT
SALES TAX FUNDS AND 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 "Council"), the governing body of
Newberry County, South Carolina (the "County"), has made the following findings of fact:

Section 1.01 Findings.

Pursuant to South Carolina Code Ann. §§4-10-300 *et seq.* (1976, as amended) (the "CPST Act")
and a referendum held in the County on November 8, 2016 (the "Referendum"), there is presently imposed
within the County a one percent sales tax on the sale of certain items specified in the CPST Act (the "Tax").
Proceeds of the Tax have been applied to the payment of debt service on the County's \$19,125,000 General
Obligation Bonds, Series 2017 (the "CPST Bonds"). Proceeds of the CPST Bonds have been applied to
defray the cost of capital improvements listed on the Referendum ballot.

The Council is advised that the CPST Bonds have been defeased in full and are no longer
outstanding. All cost overruns of projects listed on the Referendum ballot have been met or funds allocated
therefor. While the Council presently intends to continue the Tax pursuant to the CPST Act beyond its
scheduled termination, the reimposition of the Tax requires approval subsequent referendum, which will be
held November 8, 2022, if so ordained by Council (the "2022 Referendum"). The Council is further
advised that, inasmuch as the CPST Bonds have been defeased and the Tax has not yet been reimposed, the
Council is authorized by South Carolina Code Ann. §4-10-340(3) to direct the expenditure of remaining Tax
proceeds to capital projects as described in South Carolina Code Ann. §4-10-330(A)(1).

Listed as Item 7 on the Referendum ballot was "Town Hall/Police Department Remodel/Upgrades
-\$1,000,000" for the Town of Whitmire (the "Town"). The Town has been advised since the holding of
the Referendum that the remodeling and upgrading of a garage which is a component of its existing
Police Department facility is impractical as a consequence of the condition of the garage structure. The
Town has requested that the Council approve the use of a portion of the remaining proceeds of the Tax to
construct a structure in lieu of the remodeling and upgrading of the existing garage (the "Revised
Project"). The Council finds that such use is consistent with the purpose of the Tax and has determined
so authorize the use of Tax proceeds.

* * * *

ARTICLE II

AUTHORIZATION

Section 2.01 Approval of Application of Tax Proceeds.

The Council hereby approves the application of in the amount of not exceeding \$155,000 to the Revised Project. All other proceeds of the Tax will be applied to capital improvements appearing on the ballot for the 2022 Referendum, interest on bonds issued pursuant to the 2022 Referendum, or, if the Tax is not reimposed, in the manner provided in South Carolina Code Ann. §4-10-340(3).

Section 2.02 Effective Date of Ordinance.


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

* * * *

ENACTED this 6 day of July, 2022.

(SEAL)

COUNTY COUNCIL OF
NEWBERRY COUNTY, SOUTH CAROLINA



Todd Johnson, Chairman, County Council
of Newberry County, South Carolina

Attest:



Jackie Lawrence, Clerk to Council

First Reading: June 1, 2022

Second Reading: June 15, 2022

Public Hearing: July 6, 2022

Third Reading: July 6, 2022

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 7.6, 2022, at which a majority/all members were present. It was first introduced at the regular meeting of County Council held on 6.1, 2022. 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 6.15, 2022, it was given its second reading, and at the regular meeting of the County Council held on 7.6, 2022, 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.

6th IN WITNESS WHEREOF, I have hereunto set my Hand and the Seal of the County Council this day of July, 2022.

(SEAL)


Jackie Lawrence, Clerk to Council