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A RESOLUTION

ORDERING A REFERENDUM IN SCHOOL DISTRICT NO. 5 OF SPARTANBURG COUNTY, SOUTH CAROLINA, TO SUBMIT TO THE ELECTORS OF THE SCHOOL DISTRICT THE QUESTION OF WHETHER THE SCHOOL DISTRICT SHALL BE AUTHORIZED TO ISSUE NOT EXCEEDING \$295,000,000 GENERAL OBLIGATION BONDS IN ONE OR MORE SERIES, IN ONE OR MORE YEARS; PROVIDING FOR THE FORM OF BALLOT TO BE USED; PROVIDING FOR NOTICE OF THE REFERENDUM; AND PROVIDING FOR ALL OTHER MATTERS NECESSARY TO SUBMIT THE AFORESAID QUESTION.

Adopted: August 23, 2021

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BE IT RESOLVED BY THE BOARD OF TRUSTEES OF SCHOOL DISTRICT NO. 5 OF SPARTANBURG COUNTY, SOUTH CAROLINA, AS FOLLOWS:

SECTION 1. Findings. The Board of Trustees (the “Board”), as the governing body of School District No. 5 of Spartanburg County, South Carolina (the “School District”), hereby finds and determines:

(a) The School District was created by Order of Consolidation of the Spartanburg County Board of Education dated November 24, 1951, under which all school districts of Spartanburg County were consolidated into seven districts.

(b) Article X, Section 15 of the Constitution of the State of South Carolina, 1895, as amended (the “Constitution”), provides that school districts of the State shall have the power to incur general obligation debt only in such manner and upon such terms and conditions as the General Assembly shall prescribe by law.

(c) Article X, Section 15, subsection (5) of the Constitution provides that if general obligation debt is authorized by a majority vote of the qualified electors of the School District voting in a referendum authorized by law, there shall be no conditions or restrictions limiting the incurring of such indebtedness except: (i) those restrictions and limitations imposed in the authorization to incur such indebtedness; (ii) such general obligation debt shall be issued within five years of the date of such referendum; and (iii) general obligation debt may be incurred only for a purpose which is a public purpose and which is a corporate purpose of the School District and such debt shall mature within thirty years from the time such indebtedness shall be incurred.

(d) The provisions of 11-27-50 of the Code of Laws of South Carolina 1976 (the “South Carolina Code”), empower the Board to order any such referendum as is required by Article X of the Constitution, to prescribe the notice thereof and to conduct or cause to be conducted such referendum in the manner prescribed by Article 1, Chapter 71, Title 59 of the South Carolina Code.

(e) Under the School District’s present constitutional debt limitation, the amount of bonds authorized to be issued is limited unless the question of issuing such bonds is submitted and approved by the qualified electors of the School District. It is in the best interest of the School District for the Board to order a referendum to be held in the School District to submit to the qualified electors of the School District the question of whether the School District shall be authorized to issue not exceeding \$295,000,000 of general obligation bonds (the “Bonds”) in one or more series, in one or more years, for the purposes described in Section 1(f) below.

(f) The proceeds of the Bonds will be used for the purposes of defraying the costs (including architectural, engineering, legal and related fees) of any of the following: (1) acquiring land and constructing thereon, and equipping and furnishing a new elementary school; (2) constructing, equipping and furnishing a new middle school; (3) constructing, equipping and furnishing improvements, renovations and additions in order to convert Beech Springs Intermediate School into a middle school; (4) constructing, equipping and furnishing improvements, renovations and additions in order to convert Berry Shoals Intermediate School into an elementary school; (5) constructing, equipping and furnishing improvements, renovations and additions to Byrnes High School; (6) constructing, equipping and furnishing improvements and additions to Reidville Elementary School; (7) constructing, equipping and furnishing a new elementary school to replace Wellford Academy, and demolishing the existing facility; (8) acquisition of land for future school sites; and (9) renovating other existing school facilities.

SECTION 2. Order To Hold Referendum. Pursuant to the aforesaid provisions of the Constitution and laws of the State of South Carolina, there is hereby ordered a referendum to be held in the School District on November 2, 2021 (the “Referendum”), at which there shall be submitted to all persons being residents of the School District, qualified to vote under the Constitution and laws of the State of South Carolina, as more specifically set forth in Section 5 hereof, the question set forth in Section 4 hereof.

SECTION 3. Voting and Polling Places. The voting precincts or any portion thereof in the School District for the Referendum shall be those designated by Section 7-7-490 of the South Carolina Code. The polling places in each of such precincts shall be designated by the Spartanburg County Registration and Election Commission (the “Election Commission”).

SECTION 4. Form of Ballot. The Election Commission is requested to provide an electronic voting system in such numbers as it considers necessary in good working order and of sufficient capacity for use in the Referendum and to cause there to be prepared for each voting place a number of paper ballots not to exceed ten percent (10%) of registered qualified voters in each voting precinct in the School District. The Referendum shall be conducted in accordance with the provisions of the South Carolina Code governing voting machines. Such voting machines shall be delivered to the Election Commission for distribution to the Managers of Election at the several polling places.

The form of question on the voting machines to be used in the Referendum and the instructions to voters appearing thereon shall be in the form set forth below. However, the format of the question on the ballot may be changed to accommodate voting machines.

(FORM OF BALLOT)

OFFICIAL BALLOT, REFERENDUM  
\$295,000,000 GENERAL OBLIGATION BONDS  
SCHOOL DISTRICT NO. 5 OF  
SPARTANBURG COUNTY, SOUTH CAROLINA  
November 2, 2021

Shall the Board of Trustees of School District No. 5 of Spartanburg County, South Carolina (the “School District”) be authorized to issue and sell, either as a single issue or as several separate issues, general obligation bonds of the School District in the aggregate principal amount of not exceeding \$295,000,000, the proceeds of which shall be applied to defray the costs (including architectural, engineering, legal and related fees) of any of the following:

1. Acquiring land and constructing thereon, and equipping and furnishing a new elementary school;
2. Constructing, equipping and furnishing a new middle school;
3. Constructing, equipping and furnishing improvements, renovations and additions in order to convert Beech Springs Intermediate School into a middle school;

4. Constructing, equipping and furnishing improvements, renovations and additions in order to convert Berry Shoals Intermediate School into an elementary school;
5. Constructing, equipping and furnishing improvements, renovations and additions to Byrnes High School;
6. Constructing, equipping and furnishing improvements and additions to Reidville Elementary School;
7. Constructing, equipping and furnishing a new elementary school to replace Wellford Academy, and demolishing the existing facility;
8. Acquisition of land for future school sites; and
9. Renovating other existing school facilities.

In favor of the question / yes

Opposed to the question / no

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OFFICIAL BALLOT, REFERENDUM  
 \$295,000,000 GENERAL OBLIGATION BONDS  
 SCHOOL DISTRICT NO. 5 OF  
 SPARTANBURG COUNTY, SOUTH CAROLINA  
 November 2, 2021

No. \_\_\_\_\_

Precinct \_\_\_\_\_

\_\_\_\_\_  
 Initials of Issuing Officer

**SECTION 5. Qualifications of Voters.** Every person offering to vote must be at least eighteen (18) years of age and must be duly registered on the books of registration for Spartanburg County as an elector in the precinct in which he or she resides and offers to vote on or before the date on which said books of registration are closed for the Referendum, and must present such documents and/or forms of identification as required by State law.

Any registered elector who has moved his or her place of residence after the date on which said books of registration are closed for the Referendum, but before the date of the Referendum, shall be entitled to vote failsafe, providing they qualify to vote in the Referendum at the voter registration office on election day.

Absentee ballots for the Referendum shall be available at the Spartanburg County Voter Registration Office. The books of registration shall be closed thirty (30) days before the Referendum.

**SECTION 6. Notice of Referendum.** The Board hereby authorizes the publication of a Notice of Referendum to be published in *The Spartanburg-Herald Journal*, a newspaper of general circulation in Spartanburg County, South Carolina, in compliance with Section 7-13-35 of the South Carolina Code. Such notice shall be published, substantially in the form hereinafter set forth not later than 60 days before the

date of the Referendum and again not later than two weeks after the first notice. Such Notice of Referendum, substantially in the form hereinafter set forth, shall be published again in *The Spartanburg-Herald Journal* at least once not less than 15 days prior to the occasion set for the holding of the Referendum.

The Election Commission is authorized to insert the location of any omitted polling places or change any of the locations of polling places for the Referendum as deemed necessary or advisable. Appropriate changes are authorized to be made in the Notice of Referendum.

(FORM OF NOTICE OF REFERENDUM)

NOTICE OF REFERENDUM  
\$295,000,000 GENERAL OBLIGATION BONDS  
SCHOOL DISTRICT NO. 5 OF  
SPARTANBURG COUNTY, SOUTH CAROLINA

NOTICE IS HEREBY GIVEN that a referendum will be held in School District No. 5 of Spartanburg County, South Carolina (the "School District"), on November 2, 2021, for the purpose of submitting to all persons qualified to vote in the School District, under the Constitution and laws of the State of South Carolina (the "State"), the following question:

Shall the Board of Trustees of School District No. 5 of Spartanburg County, South Carolina (the "School District") be authorized to issue and sell, either as a single issue or as several separate issues, general obligation bonds of the School District in the aggregate principal amount of not exceeding \$295,000,000, the proceeds of which shall be applied to defray the costs (including architectural, engineering, legal and related fees) of any of the following:

1. Acquiring land and constructing thereon, and equipping and furnishing a new elementary school;
2. Constructing, equipping and furnishing a new middle school;
3. Constructing, equipping and furnishing improvements, renovations and additions in order to convert Beech Springs Intermediate School into a middle school;
4. Constructing, equipping and furnishing improvements, renovations and additions in order to convert Berry Shoals Intermediate School into an elementary school;
5. Constructing, equipping and furnishing improvements, renovations and additions to Byrnes High School;
6. Constructing, equipping and furnishing improvements and additions to Reidville Elementary School;
7. Constructing, equipping and furnishing a new elementary school to replace Wellford Academy, and demolishing the existing facility;
8. Acquisition of land for future school sites; and
9. Renovating other existing school facilities.

Yes, In favor of the question

No, Opposed to the question

Such question is being submitted pursuant to Article X, Section 15 of the Constitution of the State of South Carolina, 1895, as amended; Title 11, Chapter 27, Code of Laws of South Carolina 1976, as amended; Title 59, Chapter 71, Article 1, Code of Laws of South Carolina, 1976, as amended; and a Resolution of the Board of Trustees of the School District adopted August 23, 2021. If a majority of the qualified electors of the School District, voting in the Referendum approve the issuance of not exceeding \$295,000,000 General Obligation Bonds (the “Bonds”), the Bonds may be issued by the School District either as a single issue or from time to time as several separate issues; provided, the Bonds (exclusive of refunding bonds) shall be issued within five (5) years of the date of the Referendum. The proceeds of the Bonds will be used to defray the costs (including architectural, engineering, legal, and related fees) of any of the following: (1) acquiring land and constructing thereon, and equipping and furnishing a new elementary school; (2) constructing, equipping and furnishing a new middle school; (3) constructing, equipping and furnishing improvements, renovations and additions in order to convert Beech Springs Intermediate School into a middle school; (4) constructing, equipping and furnishing improvements, renovations and additions in order to convert Berry Shoals Intermediate School into an elementary school; (5) constructing, equipping and furnishing improvements, renovations and additions to Byrnes High School; (6) constructing, equipping and furnishing improvements and additions to Reidville Elementary School; (7) constructing, equipping and furnishing a new elementary school to replace Wellford Academy, and demolishing the existing facility; (8) acquisition of land for future school sites; and (9) renovating other existing school facilities.

The precincts or portions thereof within the School District and locations of the several polling places for such Referendum are as follows:

<u>PRECINCT</u>	<u>LOCATION OF POLLING PLACE</u>
Abner Creek Baptist	Abner Creek Baptist Church 2461 Abner Creek Rd., Greer, SC 29651
Apalache Baptist	Apalache Baptist Church FLC 1915 Gap Creek Rd., Greer, SC 29651
Arcadia Elementary	Arcadia Elementary School 375 Spring St., Spartanburg, SC 299303
Beech Springs Intermediate	Beech Springs Intermediate School 200 S. Danzler Rd., Duncan, SC 29334
Bethany Wesleyan	Bethany Wesleyan Church 501 Bethany Church Rd., Moore, SC 29369
Cedar Grove Baptist	Cedar Grove Baptist Church 109 Elmer St., Greer, SC 29651
D.R. Hill Middle School	D.R. Hill Middle School 1301 Holly Springs Rd., Lyman, SC 29365

Duncan United Methodist	Duncan United Methodist Church 137 W. Main St., Duncan, SC 29334
Holly Springs Baptist	Holly Springs Baptist Church 251 Hannon Rd., Inman, SC 29349
Lyman Elementary	Lyman Elementary School 1221 Holly Springs Rd., Lyman, SC 29365
Lyman Town Hall	Pacific Place 59 Groce Rd., Lyman, SC 29365
Pelham Fire Station	Pelham Fire Station 3050 S. Highway 14, Greer, SC 29650
Poplar Springs Fire Station	Poplar Springs Fire Station 3400 Moore Duncan Hwy., Moore, SC 29639
Reidville Elementary	Reidville Elementary School 520 Main St., Reidville, SC 29375
Reidville Fire Station	Reidville Fire Station 7450 Reidville Rd., Woodruff, SC 29388
River Ridge Elementary	River Ridge Elementary School 5960 Reidville Rd., Moore, SC 29369
Startex Fire Station	Startex Fire Station 170 Spartanburg Rd., Wellford, SC 29385
Travelers Rest Baptist	Travelers Rest Baptist Church 110 Brewton Rd., Spartanburg, SC 29301
Victor Mill Methodist	Victor Mill Methodist Church 1 Wilson Ave., Greer, SC 29651
Wellford	Wellford Baptist Church 235 Syphrit Rd., Wellford, SC 29385

The polls shall be opened from 7:00 a.m. until 7:00 p.m. at the polling places designated above and shall be open during these hours without intermission or adjournment. Appropriate voting machines will be provided at the polling places for the casting of ballots on the aforesaid question. Managers of Election will be appointed by the Spartanburg County Election Commission. The Managers of Election shall see that each person offering to vote takes the oath that he or she is qualified to vote at this Referendum according to the Constitution of this State and that he or she has not voted previously in this Referendum.

Every person offering to vote (a) must be at least 18 years of age on the date of the Referendum; (b) must reside in the School District; (c) must be duly registered on the books of registration for Spartanburg County as an elector in the precinct in which he or she resides and offers to vote on or before the date on which the books of registration are closed for the Referendum, such date being October 1, 2021 if registering in-person, 11:59 PM on October 3, 2021 if registering online or Postmarked by October 4, 2021 if registering by mail; 2021; and (d) must present such documents and/or forms of identification as required by State law.

The process of examining the return-addressed envelopes containing absentee ballots may begin at 9:00 a.m. on the date of the Referendum in the office of the Spartanburg County Election Commission.

Voters who are blind, who are otherwise physically handicapped, or who are unable to read or write are entitled to assistance in casting their ballot. This assistance may be given by anyone the voter chooses except his or her employer, an agent of his or her employer, or an officer or agent of his or her union. The Managers of Election must be notified if assistance is needed. Voters who are unable to enter their polling place due to physical handicap or age may vote in the vehicle in which they drove or were driven to the polls. When notified, the Manager will help voters effectuate this curbside voting provision. Registered voters may be eligible to vote by absentee ballot. Persons wishing more information concerning absentee balloting should contact the Spartanburg County Election Commission at 864.596.2549.

The Spartanburg County Election Commission shall hold a hearing on ballots challenged in the Referendum on Thursday November 4, 2021 at 10:00 a.m., in Room 1630 of the Spartanburg County Election Commission, 366 North Church Street, Spartanburg, South Carolina 29303.

Board of Trustees, School District  
No. 5 of Spartanburg County, South Carolina

Spartanburg County Election Commission,  
South Carolina

[End of Form of Notice of Referendum]

The Election Commission is authorized to change any of the locations of polling places for the Referendum as deemed necessary or advisable. Appropriate changes are authorized to be made in the Notice of Referendum.

SECTION 7. Election Commission. A certified copy of this Resolution shall be filed with the Election Commission and the Election Commission is hereby requested as follows:

- (a) To join in the action of the School District in providing for the Notice of Referendum in substantially the form contained herein;
- (b) To prescribe the form of ballot to be used in the Referendum;
- (c) To arrange for polling places in each precinct or any part of a precinct within the School District;
- (d) To appoint Managers of Election;
- (e) To provide ballots and ballot boxes or voting machines for the Referendum;
- (f) To conduct the Referendum, receive the returns thereof, canvass such returns, declare the results thereof, and certify such results to the Board; and



- (g) To take other steps and prepare such other means as shall be necessary or required by law in order to properly conduct the Referendum.

SECTION 8. Declaration of Intent to Reimburse Certain Expenditures. This Resolution shall constitute the School District's declaration of official intent pursuant to Regulation §1.150-2 of the Internal Revenue Code of 1986, as amended (the "Code") to reimburse the School District from a portion of the proceeds of general obligation bonds for expenditures it anticipates incurring (the "Expenditures") with respect to the projects set forth in Section 1(f) hereof prior to the issuance of the general obligation bonds. The Expenditures which are reimbursed are limited to Expenditures which are: (a) properly chargeable to a capital account (or would be so chargeable with a proper election or with the application of the definition of placed in serve under Regulation §1.150-2 of the Code) under general federal income tax principals; or (2) certain *de minimis* or preliminary Expenditures satisfying the requirements of Regulation §1.150-2(f) of the Code. The source of funds for the Expenditures with respect to these projects will be the School District's reserve funds. To be eligible for reimbursement of the Expenditures, the reimbursement allocation must be made not later than 18 months after the later of (a) the date on which the Expenditures were paid; or (b) the date such projects were placed in service, but in no event more than three (3) years after the original Expenditures.

SECTION 9. Miscellaneous. The Board hereby authorizes the Chair and Secretary of the Board and the Superintendent of the School District to execute such documents and instruments as may be necessary with regard to the Referendum. The Board hereby authorizes the District Superintendent to retain Burr & Forman LLP, as bond counsel in connection with the issuance of the Bonds approved at the Referendum.

SECTION 10. Effective Date of Resolution. This Resolution shall take effect and be in full force from and after its adoption.

[Signature Page Follows]

Adopted this 23<sup>rd</sup> day of August, 2021.

BOARD OF TRUSTEES, SCHOOL DISTRICT  
NO. 5 OF SPARTANBURG COUNTY, SOUTH  
CAROLINA

(SEAL)

\_\_\_\_\_  
Chair

ATTEST:

\_\_\_\_\_  
Secretary

[Signature Page of Resolution]