
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 \$71,000,000 GENERAL OBLIGATION BONDS; 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: May 19, 2014

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 \$71,000,000 of general obligation bonds (the "Bonds") 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 improvements, renovations and additions to and equipping James F. Byrnes High School and improvements to athletic facilities for James F. Byrnes High School.

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 September 9, 2014 (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 Election Law 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
\$71,000,000 GENERAL OBLIGATION BONDS
SCHOOL DISTRICT NO. 5 OF SPARTANBURG
COUNTY, SOUTH CAROLINA
September 9, 2014

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 \$71,000,000, the proceeds of which shall be applied to defray the costs (including architectural, engineering, legal and related fees) of improvements, renovations and additions to and equipping James F. Byrnes High School and improvements to athletic facilities for James F. Byrnes High School?

☐ In favor of the question / yes

☐ Opposed to the question / no

OFFICIAL BALLOT, REFERENDUM
\$71,000,000 GENERAL OBLIGATION BONDS
SCHOOL DISTRICT NO. 5 OF
SPARTANBURG COUNTY, SOUTH CAROLINA
September 9, 2014

No. _____

Precinct _____

Initials of Issuing Officer

SECTION 5. Qualifications of Voters. Every person offering to vote (a) must be at least 18 years of age; (b) 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; (c) must be registered on or before the date on which said books of registration are closed for the Referendum; and (d) must present his or her valid and current form of identification as required by South Carolina law in effect as of the date of the Referendum in the form of : (1) South Carolina driver's license; or (2) other form of identification containing a photograph issued by the South Carolina Department of Motor Vehicles; or (3) passport; or (4) military identification containing a photograph issued by the federal government; or (5) South Carolina voter registration card containing a photograph of the voter. Persons who do not or cannot present valid and current identification as provided herein may cast a provisional ballot in accordance with Section 7-13-710, Code of Laws of South Carolina, 1976, as amended.

Any registered elector who has moved his or her place of residence after the date on which the books of registration are closed for the Referendum, but before the date of the Referendum, shall be entitled to vote in the Referendum in his or her previous precinct of residence.

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.

(FORM OF NOTICE OF REFERENDUM)

NOTICE OF REFERENDUM
\$71,000,000 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 September 9, 2014, 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 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 \$71,000,000, the proceeds of which shall be used to defray the costs (including architectural, engineering, legal and related fees) of improvements, renovations and additions to and equipping James F. Byrnes High School and improvements to athletic facilities for James F. Byrnes High School?

☐ 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; Section 11-27-50 of the South Carolina Code of Laws of South Carolina 1976; 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 May 19, 2014. If a majority of the qualified electors of the School District, voting in the Referendum, approve the issuance of not exceeding \$71,000,000 General Obligation Bonds (the "Bonds"), the Bonds may be issued by the School District; 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 improvements, renovations and additions to and equipping James F. Byrnes High School and improvements to athletic facilities for James F. Byrnes High School.

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>
Beech Springs	Beech Springs
Bethany Wesleyan	Bethany Wesleyan
Friendship	Friendship Baptist Church
Cedar Grove	Cedar Grove Baptist Church
Grace Baptist	Grace Baptist Church
Holly Springs	Holly Springs Baptist Church
Lyman	Lyman Town Hall
Pelham	Pelham Fire Station
Poplar Springs	Poplar Springs Fire Station
Rebirth Missionary	Rebirth Missionary
Reidville Elementary	Reidville Elementary School
Reidville Fire	Reidville Fire Station
Startex	Startex Fire Station
Travelers Rest	Travelers Rest Baptist Church

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; and (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; and (d) must present his or her valid and current form of identification as required by South Carolina law in effect as of the date of the Referendum in the form of : (1) South Carolina driver's license; or (2) other form of identification containing a photograph issued by the South Carolina Department of Motor Vehicles; or (3) passport; or (4) military identification containing a photograph issued by the federal government; or (5) South Carolina voter registration card containing a photograph of the voter. Persons who do not or cannot present valid and current identification as provided herein may cast a provisional ballot in accordance with Section 7-13-710, Code of Laws of South Carolina, 1976, as amended.

Any person eligible to register who has been discharged or separated from his or her service in the Armed Forces of the United States prior to Tuesday, September 9, 2014, and returned home too late to register at the time when registration is required is entitled to register for the purpose of voting in the Referendum after the discharge or separation from service, up to 5:00 p.m. on the day of the Referendum. This application for registration must be made to the Spartanburg County Registration and Elections Commission, and if qualified, the person must be issued a registration notification stating the precinct in which he or she is entitled to vote and a certification of the managers of the precinct that he or she is entitled to vote and should be placed on the registration rolls of the precinct.

Any person wishing to register to vote in this Referendum, if in person, must do so no later than 5:00 p.m. on _____, _____, 2014. Any persons wishing to register to vote in this Referendum, if registering by mail, must have registration postmarked no later than _____, _____, 2014 and addressed to the office of the Spartanburg County Board of Voter Registration, Post Office Box 1287, Spartanburg, South Carolina 29304, or delivered to the office of Voter Registration, 366 North Church Street, Room 1630, Spartanburg, South Carolina 29303, on or before _____, 2014. Online voter registration is also available, but must be completed by midnight _____, _____, 2014; instructions are available via internet at http://www.scvotes.org/south_carolina_voter_registration_information.

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 _____, September __, 2014, at [11:00 a.m]., in Room ____ 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 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. Miscellaneous. The Board hereby authorizes the Chairman 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 McNair Law Firm, P.A., as bond counsel in connection with the issuance of the Bonds approved at the Referendum.

SECTION 9. Effective Date of Resolution. This Resolution shall take effect and be in full force from and after its adoption.

[Signature Page Follows]

Adopted this 19th day of May, 2014.

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

Chairman

(SEAL)

ATTEST:

Secretary

[Signature Page]