

AN ORDINANCE

ORDERING AN ELECTION FOR THE DETERMINATION OF THE QUESTION OF WHETHER CHARLESTON COUNTY SHALL BE EMPOWERED TO ISSUE AND SELL GENERAL OBLIGATION BONDS OF THE COUNTY IN THE AMOUNT AND FOR THE PURPOSES SET FORTH HEREIN.

WHEREAS, pursuant to ordinance number 1324, adopted August 10, 2004 (the "Ordinance"), Charleston County Council provided for the imposition of a ½ of one percent sales and use tax (the "Transportation Sales Tax") pursuant to the provisions of Section 4-37-10 *et seq.* of the Code of Laws of South Carolina, 1976, as amended (the "Act") and subject to the favorable result of a referendum vote in the County (the "Referendum"), and

WHEREAS, On November 2, 2004, voters in the County approved the Referendum, allowing for the imposition of the Transportation Sales Tax, and

WHEREAS, in addition to the approval of the imposition of the Transportation Sales Tax, voters in the Referendum approved an additional question allowing for the issuance of not exceeding \$113,000,000 of general obligation bonds of the County to fund projects from among the categories described in the Ordinance and the Act, and

WHEREAS, After receiving extensive public input through the advisory committees established by Council— the Greenbelts Advisory Board and the Transportation Advisory Board, as well as from the Park and Recreation Commission, the County's transportation consultants and from other sources of advice and comment, Council finds that it is of critical importance to the success of the County's greenbelts and transportation programs to pursue the issuance of additional general obligation bonds to further the purposes of and to finance the costs of projects authorized by the Ordinance and the Act; and

WHEREAS, if approved by the referendum and issued by Council, the bonds would be general obligation bonds, additionally secured by an irrevocable pledge of Transportation Sales Tax revenues; and

WHEREAS, pursuant to the provisions of Section 14(6) of Article X of the Constitution of South Carolina, the issuance of said bonds may be authorized by the favorable vote of a majority of the qualified electors of the County voting in referendum authorized by law; and

WHEREAS, pursuant to the provisions of Section 14 of Article X and Section 11-27-40 of the Code of Laws of South Carolina, 1976, as amended and other applicable law, County Council may order the holding of a referendum election in the County at which the question of the issuance of general obligation bonds of said political subdivision is submitted to the qualified electors of said political subdivision,

NOW, THEREFORE, BE IT ORDAINED BY THE COUNTY COUNCIL OF CHARLESTON COUNTY, SOUTH CAROLINA, IN MEETING DULY ASSEMBLED, AS FOLLOWS:

SECTION 1

_____That the facts set forth in the recitals hereof are in all respects true and correct, and IT IS SO DECLARED.

SECTION 2

_____The Board of Elections and Voter Registration of Charleston County shall conduct a referendum on the question set forth herein on Tuesday, November 7, 2006, between the hours of 7 a.m. and 7 p.m. under the election laws of the State of South Carolina, *mutatis mutandis*.

SECTION 3

_____That the designation of voting precincts for said Election shall be as established

by Section 7-7-140, Code of Laws of South Carolina, as amended by Act 225 of 2006. Polling places within said precincts shall be as designated by the Board of Elections and Voter Registration of Charleston County.

SECTION 4

_____As a result of the successful passage of the Referendum, through receipt of collections from the Transportation Sales Tax, County Council expects to be able to issue the bonds contemplated herein and pay the debt service therefor without the need for property tax or other revenues. Therefore, while the bonds shall be general obligation bonds, Council intends to pledge the Transportation Sales Tax revenues as the source of repayment and does not intend to levy any additional taxes or fees for the repayment of the bonds.

SECTION 5

_____5.1. That in conformity with Sections 7-13-400, 4-37-30 and 11-27-40 of the Code of Laws of South Carolina, 1976, as amended, and Article X, Section 14(6) of the Constitution of South Carolina, as amended, the form of ballot to be used in said Election must read substantially as follows:

QUESTION 1:

Shall Charleston County be empowered to issue not exceeding \$205,000,000 of general obligation bonds of Charleston County, payable from the ½- cent special sales and use tax approved by referendum November 2, 2004, the bonds maturing over a period ending no later than 2030, to fund the costs of highways, roads, streets, bridges, and other transportation- related projects facilities, and drainage facilities related thereto, including, but not limited to the following projects:

Widening and improvements to US Route 17/Johnnie Dodds
Boulevard from the Arthur Ravenel, Jr. Bridge to the
Interstate I-526 Overpass
Folly Road (SC 171)/Maybank Highway (SC 700)
Intersection Improvements
James Island Connector (SC 30) Interchange Loop to Folly
Road (SC 171)
Harbor View Road (S-1028) Improvements
Interstate I-526 Loop Ramp to Glenn McConnell Parkway
(SC 61 Spur)

Bees Ferry Road (s-57) widening from US Route 17 to Ashley River Road (SC 61)
Folly Road (SC 171)/Camp Road (s-28) Intersection Improvements
Future Drive extension to Ladson Road and the extension of Northside Drive
Maybank Highway (SC 700) widening from proposed I-526/Mark Clark interchange to Bohicket Road/Main Road (S-20)
Roadway Improvements in the Medical University area including Lockwood Drive (S404), Courtenay Drive (S-550), and Bee Street (S-551) with additional improvements at the Courtenay Drive intersections with Calhoun Street (S-404) and Spring Street

YES

NO

Instructions to Voters: All qualified electors desiring to vote in favor of the issuance of bonds for the stated purposes shall vote "YES;" and All qualified electors opposed to the issuance of bonds for the stated purposes shall vote "NO."

QUESTION 2:

Shall Charleston County be empowered to issue not exceeding \$95,000,000 of general obligation bonds of Charleston County, payable from the ½- cent special sales and use tax approved by referendum November 2, 2004, the bonds maturing over a period ending no later than 2030, to fund the costs of greenbelts projects.

YES

NO

Instructions to Voters: All qualified electors desiring to vote in favor of the issuance of bonds for the stated purposes shall vote "YES;" and all qualified electors opposed to the issuance of bonds for the stated purposes shall vote "NO."

5.2 In the referendum on the issuance of bonds, all qualified electors desiring to vote in favor of the issuance of bonds for the stated purposes shall vote "yes" and all qualified electors opposed to the issuance of bonds shall

vote "no". If a majority of the electors voting in the referendum shall vote in favor of either or both questions on the issuance of bonds, then the issuance of bonds shall be authorized in accordance with S.C. Constitution Article X, Section 14, Paragraph (6). Expenses of the referendum must be paid by Charleston County government.

SECTION 6

_____Pursuant to Section 7-13-35, Code of Laws of South Carolina, 1976, as amended, and in order that all persons qualified to vote in said Election shall have full knowledge of said Election and due notice thereof, a Notice of Election shall be published in a newspaper of general circulation in Charleston County not later than sixty days before the election and republished not later than two weeks after the first notice. Pursuant to Section 4-15-50, Code of Laws of South Carolina, 1976, as amended, at least once, not less than 15 days prior to the election, a notice of the election must be placed in a newspaper published in the county. This notice must include, among other information, the amount of bonds to be issued and a brief description of the purpose for which the proceeds of the bonds are to be applied. The Notice shall be substantially in the form set forth in attachment A hereto.

SECTION 7

_____That the Board of Elections and Voter Registration of Charleston County be given notice of the passage of this Ordinance, and of the action of County Council in ordering the aforesaid Election, and be requested and directed:

- (a) to join in the action of County Council in providing for the giving of Notice of Election;
- (b) to name the Managers of Election;
- (c) to provide polling places for the Election;
- (d) to print and make available the form of ballot set forth in this Ordinance;

(e) to conduct said Election pursuant to the laws of this State and of the United States, receive the returns thereof, and to report the same to County Council.

SECTION 8 Miscellaneous.

8.1 If any one or more of the provisions or portions hereof are determined by a court of competent jurisdiction to be contrary to law, then that provision or portion shall be deemed severable from the remaining terms or portions hereof and the invalidity thereof shall in no way affect the validity of the other provisions of this Ordinance; if any provisions of this Ordinance shall be held or deemed to be or shall, in fact, be inoperative or unenforceable or invalid as applied to any particular case in any jurisdiction or in all cases because it conflicts with any constitution or statute or rule of public policy, or for any other reason, those circumstances shall not have the effect of rendering the provision in question

inoperative or unenforceable or invalid in any other case or circumstance, or of rendering any other provision or provisions herein contained inoperative or unenforceable or invalid to any extent whatever.

8.2 This Ordinance shall be construed and interpreted in accordance with the laws of the State of South Carolina.

8.3 The headings or titles of the several sections hereof shall be solely for convenience of reference and shall not effect the meaning, construction, interpretation, or effect of this ordinance.

8.4 The County Attorney, or his designee, is authorized and directed to submit this ordinance and other information necessary to the United States Department of Justice to obtain pre-clearance pursuant to Section 5 of the Voting Rights Act regarding any and all aspects that may be subject to such pre-clearance.

8.5 The County Administrator, or his designee, is hereby authorized and directed to undertake any and all additional acts necessary and proper for the holding of the referendum described herein pursuant to applicable law.

8.6 This Ordinance shall take effect immediately upon approval at third reading.

DULY ADOPTED this 18th day of July, 2006.

Leon E. Stavrinakis
Chairman, Charleston County Council

Attest:
Beverly T. Craven
Clerk of Council

First Reading: June 7, 2006

Second Reading: June 21, 2006

Third Reading: July 18, 2006

NOTICE OF ELECTION

STATE OF SOUTH CAROLINA

COUNTY OF CHARLESTON

Notice is hereby given that the General Election for Federal, State and County officers, Statewide Constitutional Amendment questions and any local questions will be held at the voting precincts fixed by law in this County on Tuesday, November 7, 2006, this day being Tuesday following the first Monday, as prescribed by the State Constitution. Any person wishing to register to vote in this election must do so no later than October 7, 2006.

The polls shall be open from 7:00 a.m. until 7:00 p.m. at the locations designated below [TO BE COMPLETED]. The Managers of Election shall see that each person offering to vote takes the oath that he/she is qualified to vote at this election according to the Constitution of this State and he/she has not voted before in this election.

Voters who are blind, physically disabled, or 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 employer, an agent of his employer, or an officer or agent of his union. The Managers 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 Managers will help these voters using the curbside voting provision.

In an effort to notify the disabled voter of inaccessibility of a polling place, an asterisk * is being placed after a polling place that is listed below. The asterisk indicates a polling place is inaccessible to handicapped voters.

Registered electors who cannot vote in person may be eligible to vote by absentee ballot. Persons wishing more information concerning absentee voting should contact the Board of Elections and Voter Registration of Charleston County at 744-VOTE (8683). At 2:00 p.m. on election day the County Election Commission will begin its examination of the absentee ballot return envelopes at the Board of Elections & Voter Registration office, 4367 Headquarters Road, North Charleston, SC.

On Friday, November 10, 2006 at 10:00 a.m. the County Board of Canvassers will hold a hearing to determine the validity of all ballots cast in these elections. This hearing will be at the Board of Elections and Voter Registration office, 4367 Headquarters Road, North Charleston, SC.

The following Countywide Referendum Questions will appear on the ballot:

QUESTION 1:

Shall Charleston County be empowered to issue not exceeding \$205,000,000 of general obligation bonds of Charleston County, payable from the ½- cent special sales and use tax approved by referendum November 2, 2004, the bonds maturing over a period ending no later than 2030, to fund the costs of highways, roads, streets, bridges, and other transportation- related projects facilities, and drainage facilities related thereto, including, but not limited to the following projects:

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Future Drive extension to Ladson Road and the extension of Northside Drive
Maybank Highway (SC 700) widening from proposed I-526/Mark Clark interchange to Bohicket Road/Main Road (S-20)
Roadway Improvements in the Medical University area including Lockwood Drive (S404), Courtenay Drive (S-550), and Bee Street (S-551) with additional improvements at the Courtenay Drive intersections with Calhoun Street (S-404) and Spring Street

QUESTION 2:

Shall Charleston County be empowered to issue not exceeding \$95,000,000 of general obligation bonds of Charleston County, payable from the ½- cent special sales and use tax approved by referendum November 2, 2004, the bonds maturing over a period ending no later than 2030, to fund the costs of greenbelts projects?

The questions are being submitted at the direction of the Charleston County Council pursuant to Sections 7-13-400, 4-37-30, and 11-27-40 of the Code of Laws of South Carolina 1976, as amended, and Article X, Section 14(6) of the South Carolina Constitution. As a result of the successful passage of the sales tax referendum held

November 2, 2004, through receipt of collections from the transportation sales tax, County Council expects to be able to issue the bonds described above and pay the debt service therefore without the need for property tax or other revenues. Therefore, while the bonds shall be general obligation bonds, County Council intends to pledge the transportation sales tax revenues as the source of repayment and does not intend to levy any additional taxes or fees for the repayment of the bonds.