

A RESOLUTION NO. 23-03 REQUESTING THE INCURRENCE OF GENERAL OBLIGATION DEBT IN AN AMOUNT NOT EXCEEDING \$6,500,000; AUTHORIZING A PETITION TO THE COUNTY COUNCIL OF CHARLESTON COUNTY PURSUANT TO SECTION 6-11-830 OF THE CODE OF LAWS OF SOUTH CAROLINA 1976, AS AMENDED; MAKING AN OFFICIAL DECLARATION OF REIMBURSEMENT; AND OTHER MATTERS RELATED THERETO

BE IT RESOLVED by the James Island Public Service District Commission (the "*Commission*"), in meeting duly assembled:

ARTICLE 1 - FINDINGS OF FACT

Section 1.01

Incident to the adoption of this resolution (this "*Resolution*"), the Commission, the governing body of the James Island Public Service District, South Carolina (the "*District*"), makes the following findings of fact:

1. The District was created and established as a special purpose district, a body politic and corporate, pursuant to the provisions of Act No. 498 of the Acts and Joint Resolutions of the General Assembly of the State of South Carolina for the year 1961, as amended. The District is located wholly within Charleston County, South Carolina (the "*County*"), and was established for the purpose of providing fire, solid waste, and sewer services within its boundaries.

2. In carrying out its functions and duties, the Commission has determined that a need exists to meet the capital needs of the District through the acquisition, design, equipping, improvement, rehabilitation and construction of Fire Station #2 in furtherance of the public safety operations of the District (the "*Project*"). The Commission estimates that the costs of the Project, together with the costs of issuance of the bonds described herein, will not exceed \$6,500,000.

3. The County Council of Charleston County, South Carolina (the "*County Council*"), as the governing body of the County, is empowered by Sections 6-11-810 through 6-11-1050, inclusive, of the Code of Laws of South Carolina 1976, as amended (the "*Enabling Act*"), to authorize the governing body of any special purpose district to issue general obligation bonds whose proceeds shall be used in furtherance of any power or function committed to such special purpose district and in effect on March 7, 1973.

4. Pursuant to Section 6-11-830 of the Enabling Act, the County Council, upon petition of the Commission, may determine that it is in the interest of the District to raise moneys for the furtherance of any power or function of the District and order a public hearing to be held upon the question of the issuance of general obligation bonds of the District.

5. In order to finance the costs of the Project, the Commission has determined that it is necessary to issue an amount not exceeding \$6,500,000 of general obligation bonds of the

District to be issued either as a single issue or as several, separate issues, and in such amount and at such times as may be determined at the time of issuance thereof by the Commission (the "**Bonds**"). The Commission adopts this Resolution to evidence the Commission's request for the issuance of the Bonds in an amount not exceeding \$6,500,000 to defray the costs of the Project and to authorize a petition to the County Council with regard to the issuance of the Bonds. The maximum principal amount of Bonds requested hereby and to be outstanding at any one time shall be issued within the debt limit of the District, as permitted in Article X, Section 14(7) of the South Carolina Constitution.

ARTICLE II - SUBMISSION OF PETITION

Section 2.01

A petition, in a form substantially similar to that form attached hereto as Exhibit A, shall be presented to the County Council in accordance with and for the purposes set forth in Section 6-11-830 of the Enabling Act. The District Manager of the District, acting on behalf of the Commission, is hereby authorized and directed to deliver the petition, or cause the petition to be delivered, to the County Council.

ARTICLE III – REIMBURSEMENT DECLARATION

Section 3.01

The District hereby declares its intention to reimburse itself for a portion of the costs of the Project with the proceeds of the Bonds. To that end, the Commission determines and declares as follows:

- (a) no funds from any sources other than the Bonds are or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside by the District pursuant to the budget or financial policies of the District for the financing of the portion of the costs of acquisition, design, equipping, improvement, rehabilitation and construction of the Project to be funded with the Bonds;
- (b) the District reasonably expects that all or a portion of the expenditures incurred for the Project and the issuance of the Bonds will be paid prior to the issuance of the Bonds;
- (c) the District intends and reasonably expects to reimburse itself for all such expenditures paid by it with respect to the Project prior to the issuance of the Bonds from the proceeds of the Bonds, and such intention is consistent with the budgetary and financial circumstances of the District;
- (d) all of the costs to be paid or reimbursed from the proceeds of the Bonds will be for costs incurred in connection with the issuance of the Bonds, or will, at the time of payment thereof, be properly chargeable to the capital account of the Project (or would be so chargeable with a proper election) under general federal income tax principles; and

(e) this Resolution shall constitute a declaration of official intent under United States Department of the Treasury Regulation Section 1.150-2.

DONE IN MEETING DULY ASSEMBLED, this 24th day of April 2023.



**JAMES ISLAND PUBLIC SERVICE
DISTRICT, SOUTH CAROLINA**

A handwritten signature in blue ink, appearing to read "K.R. Woolsey", written over a horizontal line.

Chairman
James Island Public Service District Commission

Attest:

A handwritten signature in dark red ink, written over a horizontal line.

Secretary
James Island Public Service District Commission

EXHIBIT A

PETITION OF THE JAMES ISLAND PUBLIC SERVICE DISTRICT COMMISSION TO THE CHARLESTON COUNTY COUNCIL PURSUANT TO ARTICLE 5, CHAPTER 11, TITLE 6, CODE OF LAWS OF SOUTH CAROLINA 1976, AS AMENDED.

1. The James Island Public Service District, South Carolina (the “*District*”) was created and established as a special purpose district, a body politic and corporate, pursuant to the provisions of Act No. 498 of the Acts and Joint Resolutions of the General Assembly of the State of South Carolina for the year 1961, as amended. The District is located wholly within Charleston County, South Carolina (the “*County*”), and was established for the purpose of providing fire, solid waste, and sewer services within its boundaries.

2. In carrying out its functions and duties and pursuant to a resolution adopted on April 24, 2023, the James Island Public Service District Commission, as the governing body of the District, has determined, that a need exists to meet the capital needs of the District through the acquisition, design, equipping, improvement, rehabilitation and construction of Fire Station #2 in furtherance of the public safety operations of the District (the “*Project*”). The Commission estimates that the costs of the Project, together with the costs of issuance of the bonds described herein, will not exceed \$6,500,000.

3. In order to defray the costs of the Project, the District proposes to issue general obligation bonds of the District in a principal amount not exceeding \$6,500,000, which bonds may be issued as a single issue or from time to time as several separate issues as the Commission may determine.

4. The Charleston County Council (the “*County Council*”), the governing body of the County, is empowered by Sections 6-11-810 through 6-11-1050, inclusive, of the Code of Laws of South Carolina 1976, as amended (the “*Enabling Act*”), to authorize the issuance of general obligation bonds by the District pursuant to the provisions of the Enabling Act. Inasmuch as the principal amount of the bonds to be issued by the District at any one time and in one or more series does not exceed the general obligation bond debt limit of the District, as established pursuant to Article X, Section 14(7) of the South Carolina Constitution, it is requested that such bonds may be issued without approval of a referendum.

5. Pursuant to Section 6-11-830 of the Enabling Act, if the County Council, upon petition of the Commission, determines that it may be in the best interest of the District to raise moneys for the furtherance of any power or function of the District, the County Council may order a public hearing to be held upon the question of the issuance of general obligation bonds of the District.

On the basis of the foregoing, the Commission respectfully requests that the County Council order: (i) a public hearing to be held on the question of authorizing the issuance of an amount not exceeding \$6,500,000 of general obligation bonds of the District, (ii) approve such issuance by ordinance without the requirement for an approval referendum; and (iii) authorize the general obligation bonds to be issued as a single issue or from time to time as several separate issues as the Commission, in its discretion and within the constraints of Article X, Section 14(7) of the South Carolina Constitution, may determine.

JAMES ISLAND PUBLIC SERVICE DISTRICT COMMISSION

April 24, 2023