

## **BOARD AGENDA ITEM**

**January 23, 2018**

### **SUBJECT:**

Recommendation and Resolution to Seek Referendum to Issue General Obligation Bonds Not Exceeding \$90,000,000

### **BACKGROUND:**

The Administration recommends authorizing the pursuit of a \$90 million bond issuance through public referendum to finance the construction, renovation and expansion of six building projects (Midland Valley High School, Hammond Hill Elementary School, Belvedere Elementary School, Millbrook Elementary School, a new elementary school between Graniteville and North Augusta and a new middle school between Graniteville and North Augusta). We propose May 1, 2018 as the date of the public referendum, and we recommend the adoption of the resolution and referendum question as submitted.

The Board must adopt a resolution no fewer than 90 days from the referendum date. If the Board chooses not to seek a referendum, no resolution shall be adopted.

### **ADMINISTRATIVE CONSIDERATION:**

Frannie Heizer with McNair Law Firm provided the attached resolution which establishes that the general obligation bonds, if receiving voter approval, will not exceed \$90,000,000 and can be a single issuance or multiple issuances. The resolution provides the form of the question and describes the notice to the public and related information.

The Board would meet the 90-day requirement and could hold the referendum vote on Tuesday, May 1, 2018 as recommended, by adopting the resolution at this evening's meeting.

### **RECOMMENDATION:**

Approve the recommendation and adopt the resolution to seek a \$90 million bond referendum

### **ATTACHMENT:**

Proposed resolution as provided by Bond Attorneys

### **PREPARED BY:**

Sean Alford  
M.O. Traxler III

A RESOLUTION

ORDERING A REFERENDUM IN THE CONSOLIDATED SCHOOL DISTRICT OF AIKEN COUNTY, SOUTH CAROLINA, TO SUBMIT THE QUESTION OF WHETHER THE SCHOOL DISTRICT SHALL ISSUE NOT EXCEEDING \$90,000,000 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 THINGS NECESSARY TO SUBMIT THE AFORESAID QUESTION.

BE IT RESOLVED BY THE BOARD OF EDUCATION OF THE CONSOLIDATED SCHOOL DISTRICT OF AIKEN COUNTY , SOUTH CAROLINA, AS FOLLOWS:

SECTION 1. Findings. The Board of Education (the "Board"), as the governing body of The Consolidated School District of Aiken County, South Carolina (the "School District"), hereby finds and determines:

(a) The School District was created pursuant to the provisions of Act No. 503 (1982 Acts). Pursuant to the provisions of Act No. 503 (1982 Acts), the governing body of the School District is the Board.

(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 a 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 a school district and such debt shall mature within thirty years from the time such indebtedness shall be incurred.

(d) The provisions of Title 11, Chapter 27, Code of Laws of South Carolina 1976, as amended, empower the board of a school district 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 Title 59, Chapter 71, Article 1, Code of Laws of South Carolina, 1976, as amended (the "School Bond Act").

(e) There is a need to construct, improve, equip and renovate school buildings or other school facilities, the costs of which must be defrayed with the proceeds of general obligation bonds of the School District. 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.

(f) 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, at one time or from time to time, general obligation bonds of the School District in a principal amount of not exceeding \$90,000,000 for the purposes set forth herein. At no time shall the total principal amount of the debt issued pursuant to the Referendum exceed \$90,000,000

SECTION 2. Order to Hold Referendum. Pursuant to the aforesaid provisions of the Constitution and laws of the State of South Carolina (the "State"), there is hereby ordered a referendum to be held in the School District on May 1, 2018 (the "Referendum"), at which time there shall be submitted to all persons qualified to vote under the Constitution and laws of the State the question set forth in Section 4 hereof.

SECTION 3. Voting Precincts and Polling Places. The voting precincts or any portion thereof in the School District for the Referendum shall be those designated by Section 7-7-320 of the Code of Laws of South Carolina 1976, as amended. The polling places in each of such precincts shall be designated by the Board of Voter Registration and Elections of Aiken County (the "Elections Board").

The polls shall be opened at seven o'clock in the forenoon (7:00 a.m.) and closed at seven o'clock in the afternoon (7:00 p.m.) on the date fixed for the Referendum and shall be held open during said hours without intermission or adjournment.

SECTION 4. Form of Ballot. The Elections Board is requested to cause to be printed a sufficient number of ballots for each iVotronic voting machine used in the Referendum and a sufficient number of emergency ballots for use in the Referendum, viz., a number equal to one hundred ten percent (110%) of the number of registered qualified voters in each voting precinct in the School District. The instructions must appear conspicuously at the top of the ballot face and must be printed in bold-faced type at least as large as the largest type on the ballot. Upon approval by the Elections Board, the form of question on the ballot label to be used in the Referendum and the instructions to voters appearing thereon shall be in substantially the form set forth below. The format of the ballot may be changed to accommodate voting machines, but the form of question shall remain the same.

(FORM OF BALLOT)

OFFICIAL BALLOT, REFERENDUM  
\$90,000,000 GENERAL OBLIGATION BONDS  
THE CONSOLIDATED SCHOOL DISTRICT OF AIKEN COUNTY, SOUTH CAROLINA  
MAY 1, 2018

Precinct \_\_\_\_\_

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

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

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OFFICIAL BALLOT, REFERENDUM  
\$90,000,000 GENERAL OBLIGATION BONDS  
THE CONSOLIDATED SCHOOL DISTRICT OF AIKEN COUNTY, SOUTH CAROLINA  
MAY 1, 2018

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Shall the Board of Education of The Consolidated School District of Aiken County, South Carolina (the "School District") be empowered to issue, at one time or from time to time, general obligation bonds of the School District, in a principal amount of not exceeding \$90,000,000, the proceeds of which shall be used to finance the costs (including architectural, engineering, legal and related fees) of acquiring, constructing, improving, equipping, expanding, renovating, and repairing school facilities, including land acquisition, if necessary, within the School District, as follows:

Renovation and Expansion of existing facilities:

- Midland Valley High School
- Hammond Hill Elementary School
- Belvedere Elementary School
- Millbrook Elementary School

Constructing and equipping new facilities:

A new elementary school and a new middle school sharing a common campus site location and sharing the utilization of certain common facilities as may be practicable, to be located between Graniteville and North Augusta?

If the voter wishes to vote in favor of the question, fill in the oval next to "In favor of the question;" if the voter wishes to vote against the question, fill in the oval next to the words, "Opposed to the question."

In favor of the question /yes     

Opposed to the question /no     

SECTION 5. Qualification 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 Aiken 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 within School District 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 fail safe, providing they qualify to vote in the election at the voter registration office on election day.

Absentee ballots for the Referendum shall be available at the Registration and Elections 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 *Aiken Standard*, a newspaper of general circulation in Aiken County, South Carolina, in compliance with Section 7-13-35 of the Code of Laws of South Carolina, 1976, as amended. Such notice must be published 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

attached hereto as Exhibit A, shall be published again in the *Aiken Standard* at least once not less than 15 days prior to the occasion set for the holding of the Referendum in compliance with the School Bond Act.

The Elections Board 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.

SECTION 7. Board of Voter Registration and Elections of Aiken County. A certified copy of this Resolution shall be filed with the Elections Board, and the Elections Board is hereby requested as follows:

- (a) To join in the action of the School District in providing for the respective Notices of Referendum in substantially the forms 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.

Adopted this 23<sup>rd</sup> day of January, 2018.

THE CONSOLIDATED SCHOOL DISTRICT OF  
AIKEN COUNTY, SOUTH CAROLINA

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Chair, Board of Education

(SEAL)

ATTEST:

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Secretary, Board of Education

(FORM OF NOTICE OF REFERENDUM)

NOTICE OF REFERENDUM  
\$ \_\_\_\_\_ GENERAL OBLIGATION BONDS  
THE CONSOLIDATED SCHOOL DISTRICT OF AIKEN COUNTY, SOUTH CAROLINA

NOTICE IS HEREBY GIVEN that a referendum will be held in The School District of Aiken County, South Carolina (the "School District"), on May 1, 2018, 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 Education of The Consolidated School District of Aiken County, South Carolina (the "School District") be empowered to issue, at one time or from time to time, general obligation bonds of the School District, in a principal amount of not exceeding \$90,000,000, the proceeds of which shall be used to finance the costs (including architectural, engineering, legal and related fees) of acquiring, constructing, improving, equipping, expanding, renovating, and repairing school facilities, including land acquisition, if necessary, within the School District, as follows:

Renovation and Expansion of existing facilities:

- Midland Valley High School
- Hammond Hill Elementary School
- Belvedere Elementary School
- Millbrook Elementary School

Constructing and equipping new facilities:

A new elementary school and a new middle school sharing a common campus site location and sharing the utilization of certain common facilities as may be practicable, to be located between Graniteville and North Augusta?

If the voter wishes to vote in favor of the question, fill in the oval next to "In favor of the question;" if the voter wishes to vote against the question, fill in the oval next to the words, "Opposed to the question."

In favor of the question /yes

Opposed to the question /no

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 the State of South Carolina 1976, as amended, and Title 59, Chapter 71, Article 1, Code of Laws of South Carolina, 1976, as amended. If a majority of the qualified electors of the School District voting in the Referendum approve the issuance of not exceeding \$ \_\_\_\_\_ 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, but no Bonds shall be issued later than five years from the date of the Referendum. The proceeds of the Bonds will be used to construct, improve, equip and renovate school buildings or other school facilities, including land acquisition.

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

Precinct

Polling Place

The polls shall be opened at seven o'clock in the forenoon (7:00 a.m.) and closed at seven o'clock in the afternoon (7:00 p.m.) on the date fixed for such Referendum. Appropriate voting machines will be provided at the polling places for use in voting on the aforesaid question. Managers of Election will be appointed by the Aiken County Election Commission.

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 Aiken 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 (d) such documents and/or forms of identification as required by State law.

Any person eligible to register who has been discharged or separated from his service in the Armed Forces of the United States prior to \_\_\_\_\_, 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 at the \_\_\_\_\_, 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. Persons who become of age during the 30-day period preceding the Referendum shall be entitled to register before the closing of the books if otherwise qualified.

The last day persons may register to be eligible to vote in the Referendum will be \_\_\_\_\_, 2018. Applications for registration to vote sent by mail must be postmarked not later than \_\_\_\_\_, 2018 to the \_\_\_\_\_, or delivered to the office of \_\_\_\_\_, on or before \_\_\_\_\_, 2018. The process of examining the return-addressed envelopes containing absentee ballots will begin at 9:00 a.m. on the date of the Referendum in the office of \_\_\_\_\_.

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. Residents wishing to vote by absentee ballot should contact the Board of Voter Registration and Elections of Aiken County at (843) \_\_\_\_\_ for instructions.

The Board of Voter Registration and Elections of Aiken County shall hold a hearing on ballots challenged in the Referendum on \_\_\_\_\_, \_\_\_\_\_, at \_\_\_\_\_ a.m., at \_\_\_\_\_.

/s/Chair, Board of Education  
The Consolidated School District of Aiken County, SC

/s/Chair, Board of Voter Registration and  
Elections of Aiken County