

ORDINANCE NO. 2022-04

PROVIDING AUTHORIZATION FOR THE COUNTY TO ENTER A LEASE-PURCHASE OR OTHER SIMILAR AGREEMENT; AND OTHER RELATED MATTERS.

BE IT ORDAINED by the Council Council of Clarendon County, South Carolina, the governing body of Clarendo County, South Carolina, that the Chair of County Council (“Chair”) and the County Administrator (“Adminsitrator”), each acting individually on behalf of and for the benefit of the County, is authorized to arrange for and execute a lease or other similar agreement, as appropriate, as provided below.

Section 1. Findings

(a) The County intends to acquire and finance various equipment, including law enforcement vehicles and related equipment, in an amount not exceeding \$350,000 (“Equipment”), through means of borrowing money from a bank or other financial institution selected by the Chair or the Administrator, each acting individually.

(b) It is in the best interest of the County to acquire the Equipment by entering into the Financing (defined below). The Financing will enable the County to acquire the Equipment, which is necessary for the County’s proper functioning.

Section 2. Approval of Acquisition/Financing; Delegation of Authority. The County may acquire and finance the Equipment according to a lease purchase financing, or other means of financing, in an amount not to exceed \$350,000, which includes costs of issuance, which is repayable through annual appropriations from any legally available source (“Financing”). The Administrator shall endeavor to structure the Financing, so it does not impact the County’s constitutional debt limit.

The County authorizes the Financing and either the Chair or the Administrator, acting individually, may determine all items related to Financing, for example (if and when applicable), the method and timing, any applicable notices, the form of all documents, the method for calculating interest, the dated and delivery dates, any early termination provisions. Each document related to the Financing, shall be executed in the name of the County with the manual or facsimile signature of either the Chair or Administrator attested by the manual or facsimile signature of the Clerk to County Council, and authenticated by the registrar/paying agent.

Section 3. Tax Covenant. The County covenants that no use of the proceeds of the Financing shall be made which, if that use had been reasonably expected on the date of issue of the Financing, would have caused the Financing to be an “arbitrage bond,” as defined in Section 148 of the Internal Revenue Code (“Code”). If, at the time of issuance, the County does not reasonably anticipate issuing in excess of \$10,000,000 in tax exempt obligations in the current calendar year, the County is authorized to designate the Financing as a “bank qualified tax-exempt obligation” within the meaning of Section 265(b)(3) of the Code.

All property provided by the net proceeds of the Financing will be owned by the County in accordance with rules governing ownership of property for federal tax income purposes.

The County shall not permit the proceeds of the Financing or any facility financed with the proceeds of the Financing to be used in any manner that would result (A) ten percent (10%) or more of such proceeds being considered as having been used directly or indirectly in any trade or business carried on by any natural person or in activity carried on by a person other than a natural person other than a government unit as provided in Section 141(b) of the Code or (B) five percent (5%) or more of such proceeds being considered as having been used directly or indirectly to make or finance loans to any person other than a governmental unit as provided in Section 141(c) of the Code.

The County is not party to or nor will it enter into any contracts with and person for the use or

management of any facility provided with the proceeds of the Financing that do not conform to the guidelines set forth in Revenue Procedure 2017-13.

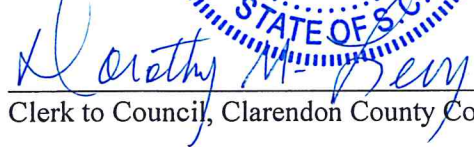
Section 4. Authorization to Execute. The County Council authorizes the Chair or the Administrator, each individually, and Clerk to County Council to execute whatever documents and instruments as may be necessary to effect the issuance of the Financing.

Section 5. General Repealer. All orders, resolutions, and parts thereof in conflict herewith are to the extent of that conflict hereby repealed. This Ordinance shall take effect and be in full force upon adoption by the Council.

Enacted: March [] 2022



[SEAL]
ATTEST:


Clerk to Council, Clarendon County Council

CLARENDON COUNTY, SOUTH CAROLINA

By: 
Chairman, Clarendon County Council

First Reading: March 2, 2022
Second Reading: March 14, 2022
Public Hearing: March 29, 2022
Third Reading: March 29, 2022