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DATE 11/15/16

STATE OF SOUTH CAROLINA  
COUNTY COUNCIL FOR CLARENDON COUNTY  
ORDINANCE NO. 2016-07

Beulah S. Roberts

CLERK OF COURT  
CLARENDON COUNTY, SC

**AUTHORIZING AN AMENDMENT TO THE MASTER AGREEMENT GOVERNING THE CLARENDON-SUMTER INDUSTRIAL PARK; AUTHORIZING THE CREATION OF AN INFRASTRUCTURE FUND (“FUND”) TO BE FUNDED BY A PORTION OF CERTAIN FEE-IN-LIEU OF TAX REVENUES; AUTHORIZING THE COUNTY TO USE THE FUND FOR GENERAL INFRASTRUCTURE OF THE COUNTY; AND OTHER RELATED MATTERS.**

BEULAH S. ROBERTS  
CLERK OF COURT  
CLARENDON COUNTY, SC  
2016 NOV 15 AM 10:15

WHEREAS, Clarendon County (“County”), a public body corporate and politic under the laws of the State of South Carolina, is authorized under Article VIII, Section 13(D) of the South Carolina Constitution and Title 4, Chapter 1 of the Code of Laws of South Carolina, 1976, as amended (collectively, “Act”), to (i) create multi-county industrial parks in partnership with counties having contiguous borders with the County; and (ii) include the property of eligible companies within such multi-county industrial parks, which inclusion under the terms of the Act makes such property exempt from *ad valorem* property taxes, and changes the character of the annual receipts from such property to fees-in-lieu of ad valorem property taxes in an amount equivalent to the *ad valorem* taxes that would have been due and payable but for the location of the property in such multi-county industrial parks (“Fee Payments”);

WHEREAS, the County and Sumter County, South Carolina (“Sumter”) have previously developed a multi-county industrial park (“Park”) and entered into the “Master Agreement Governing the Sumter-Clarendon Industrial Park,” dated December 31, 2010 which governs the operation of the Park (“Park Agreement”);

WHEREAS, pursuant to the Act and Agreement, the County is authorized to specify the manner in which Fee Payments (i) received by the County from property located in Sumter or (ii) retained by the County from property located in the County are distributed to each of the taxing entities within the County;

WHEREAS, to continue to promote investment in the County, the County desires to amend the Agreement to create an infrastructure fund in which 20% of the County’s portion of fee-in-lieu of *ad valorem* property tax payments received on or after July 1, 2017, will be deposited (the “Fund”); and

WHEREAS, the Clarendon County Council, the governing body of the County (the “County Council”) shall be authorized to use the Fund for general infrastructure in the County;

NOW THEREFORE, THE COUNTY COUNCIL OF CLARENDON COUNTY, SOUTH CAROLINA, ORDAINS:

**Section 1. Amendment Authorized.** Council authorizes an amendment to the Agreement, as set forth more fully in the Amendment to Master Agreement Governing the Sumter-Clarendon Industrial Park attached as Exhibit A (“Amendment”), to ratify and approve the creation of the Fund. The County Council Chair, or the Vice Chair in the event the Chair is absent, and the Clerk to the County Council are hereby authorized to execute the Amendment. The Chair is further directed to deliver the Amendment to Sumter.

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CLARENCE

**Section 2. Further Assurances.** The County Administrator (and his designated appointees) is authorized and directed, in the name of and on behalf of the County, to take whatever further actions and execute whatever further documents as the County Administrator (and his designated appointees) deems to be reasonably necessary and prudent to effect the intent of this Ordinance.

**Section 3. Savings Clause.** The provisions of this Ordinance are separable. If any part of this Ordinance is, for any reason, unenforceable then the validity of the remainder of this Ordinance is unaffected.

**Section 4. General Repealer.** Any prior ordinance, resolution or order, the terms of which are in conflict with this Ordinance, is, only to the extent of that conflict, repealed.

This Ordinance is effective after its third reading and public hearing.



(SEAL)  
ATTEST:

CLARENDON COUNTY, SOUTH CAROLINA

  
\_\_\_\_\_  
Chairman, Clarendon County Council

  
\_\_\_\_\_  
Clerk to Clarendon County Council

First Reading: September 12, 2016  
Second Reading: October 13, 2016  
Public Hearing: November 14, 2016  
Third Reading: November 14, 2016

**EXHIBIT A**  
**FORM OF AMENDMENT**

**AMENDMENT TO MASTER AGREEMENT  
GOVERNING THE CLARENDON-SUMTER INDUSTRIAL PARK**

This Amendment to the Master Agreement Governing the Clarendon-Sumter Industrial Park between Clarendon County, South Carolina and Sumter County, South Carolina (“Amendment”) is effective November 14, 2016;

WHEREAS, pursuant to Article VIII, Section 13(D) of the South Carolina Constitution, as amended, and Title 4, Chapter 1, Section 170 of the Code of Laws of South Carolina, 1976, as amended (“Act”), Clarendon County, South Carolina (“County”) and Sumter County, South Carolina (“Sumter”) entered into the Master Agreement Governing the Clarendon-Sumter Industrial Park between Clarendon County, South Carolina and Sumter County, South Carolina (“Agreement”) a copy of which is attached as Exhibit A;

WHEREAS, each capitalized term not defined in this Amendment has the meaning as provided in the Agreement and, if not provided in the Agreement, as provided in the Act;

WHEREAS, pursuant to the Act and Section 3.03(b) of the Agreement, the County is authorized to unilaterally determine and amend the manner in which the County’s portion of the Revenues are internally distributed within the county;

WHEREAS, by Ordinance No. 2016-07, the County authorized the execution and delivery of this Amendment.

NOW, THEREFORE, the County amends the Agreement as follows:

Section 1. Amendment to Internal Distribution of Revenues. As authorized by the Act and Section 3.03(b), the County amends the internal distribution of the County’s Revenues by amending Section 3.03(a) of the Agreement through the insertion of following underlined language and deletion of the language indicated by strike-through text:

**Section 3.03. *FILOT Revenue Distribution Within Each County.***

(a) According to *Horry County* Case, each County is required to set forth the distribution method of FILOT Revenue in that County, after distribution of FILOT Revenue as provided by Section 3.02:

(i) for Property located in Clarendon: Clarendon county is entitled to retain 100%; of FILOT Revenue to be distributed as follows:

(A) For FILOT payments due before July 1, 2017, 100% of FILOT Revenue shall be distributed to Clarendon, to be used as Clarendon deems, in its sole discretion, appropriate; and

(B) For FILOT payments due on or after July 1, 2017, 80% of FILOT Revenue shall be distributed to Clarendon. The remaining 20% of FILOT Revenue (“Fund Revenue”) shall be distributed to the Infrastructure Fund (defined below), according to Section 3.05 of this Agreement.

(ii) for Property located in Sumter: Revenues generated by the Park through the payment of FILOT Revenue distributed to Sumter County shall then be distributed within Sumter County to the political subdivisions in Sumter County in accordance with the applicable governing ordinance of Sumter County in

effect from time to time.

- (iii) ~~Each County Sumter~~ elects to retain 100% of the 1.0% of the FILOT Revenue received from Clarendon ~~the other County~~.
- (iv) Clarendon elects to retain 100% of the 1.0% received from Sumter to be distributed as follows:
  - (A) For FILOT payments due before July 1, 2017, 100% of FILOT Revenue shall be distributed to Clarendon, to be used as Clarendon deems, in its sole discretion, appropriate; and
  - (B) For FILOT payments due on or after July 1, 2017, 80% of FILOT Revenue shall be distributed to Clarendon. The remaining 20% of FILOT Revenue ("Fund Revenue") shall be distributed to the Infrastructure Fund (defined below), according to Section 3.05 of this Agreement.

(b) Each County, by adoption of an ordinance in that County, may unilaterally amend its internal distribution method.

**Section 3.05. The Clarendon County Infrastructure Fund.**

(a) According to the revenue distribution in Section 3.03(a)(i) and Section 3.03(a)(iv) of this Agreement, Clarendon has created the Clarendon County Infrastructure Fund in which to deposit the Fund Revenues ("Infrastructure Fund"). The County shall administer the Infrastructure Fund as follows:

- (i) Beginning on July 1, 2017, after distributing funds to Sumter pursuant to Section 3.02(b)(i) of this Agreement, Clarendon shall deposit the Fund Revenue into the Fund;
- (ii) All FILOT Revenue that does not qualify as Fund Revenue shall be distributed to Clarendon County;
- (iii) Clarendon shall use the Infrastructure Fund to purchase, construct, maintain, repair, and fund certain undertakings to fund, or fund directly, infrastructure in Clarendon which will promote and facilitate economic development in Clarendon ("Economic Development Project");
- (iv) Clarendon may use the Infrastructure Fund to fund infrastructure in Clarendon for the purpose of attracting or incentivizing companies to locate Economic Development Projects in Clarendon;
- (v) Additionally, any business entity authorized to conduct business in the State who wishes to benefit directly from Fund Revenue must first make a written request to Clarendon County Council including (i) a declaration of the company's intent to locate an Economic Development Project in Clarendon; (ii) ways the Economic Development Project will promote and facilitate economic development in Clarendon; and (iii) the amount of Fund revenue requested;
- (vi) If Clarendon County Council finds that a proposed undertaking qualifies as an

Economic Development Project, Clarendon County Council may, by Resolution, expend money from the Infrastructure Fund to support the Economic Development Project;

(b) Clarendon may, by adoption of an ordinance, unilaterally amend this Section at any time.

Section 2. Remainder of Agreement. Except as described in this Amendment's Section 1, the Agreement remains unchanged and in full force.

Section 3. Execution. This Amendment may be executed, in original, by electronic means, or by facsimile, and is effective on delivery of the Amendment to Sumter.

*[Remainder Intentionally Left Blank  
Signature Page Follows]*

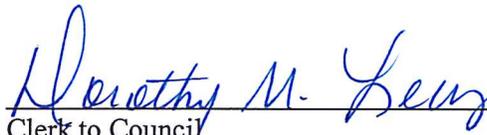
IN WITNESS WHEREOF, the County, acting by and through the County Council, has caused this Amendment to be executed in its name and on its behalf by the Chairman of County Council and to be attested by the Clerk to County Council effective as of the day and year first above written.



(SEAL)  
ATTEST:

CLARENDON COUNTY, SOUTH CAROLINA

  
\_\_\_\_\_  
Chairman  
Clarendon County Council

  
\_\_\_\_\_  
Clerk to Council  
Clarendon County Council