

CLARENDON COUNTY
ORDINANCE NO. 2018-09

2018 AUG 20 PM 3:30
BEULAH H. ROBERTS
CLERK OF COURT
CLARENDON COUNTY, SC

CERTIFIED TRUE COPY
OF ORIGINAL FILED IN THIS OFFICE
DATE 8/20/18
Beulah H. Roberts
CLERK OF COURT
CLARENDON COUNTY, SC

AN ORDINANCE AUTHORIZING PURSUANT TO TITLE 12, CHAPTER 44 OF THE CODE OF LAWS OF SOUTH CAROLINA 1976, AS AMENDED, THE EXECUTION AND DELIVERY OF FEE-IN-LIEU OF AD VALOREM TAXES AGREEMENTS BY AND BETWEEN CLARENDON COUNTY, SOUTH CAROLINA AND CERTAIN COMPANIES AS SPONSOR IDENTIFIED FOR THE TIME BEING AS PROJECT CRANBERRY, TO PROVIDE FOR FEE-IN-LIEU OF AD VALOREM TAXES INCENTIVES AND CERTAIN SPECIAL SOURCE REVENUE CREDITS; AND TO MODIFY A JOINT COUNTY INDUSTRIAL AND BUSINESS PARK OF CLARENDON AND SUMTER COUNTIES SO AS TO ENLARGE THE PARK; AND OTHER MATTERS.

WHEREAS, Clarendon County, South Carolina ("**County**") acting by and through County Council is authorized and empowered pursuant to the provisions of Title 12, Chapter 44 of the Code of Laws of South Carolina, 1976, as amended (the "**Act**"), to enter into fee agreements with any industry, with said agreements identifying certain properties of such industries as economic development property, through which powers the industrial development of the State of South Carolina (the "**State**") and the County will be promoted and trade developed by inducing manufacturing and commercial enterprises to locate, remain, and expand in the State and the County and thus utilize and employ the manpower, products, and natural resources and benefit the general public welfare of the State and County by providing services, employment, or other public benefits not otherwise adequately provided locally;

WHEREAS, pursuant to the Title 4, Section 1 of the Code of Laws of South Carolina, 1976, as amended (the "**Park Act**"), the County and Sumter County entered into that certain Master Agreement Governing the Sumter-Clarendon Industrial Park dated as of December 31, 2010, (as amended, modified, and supplemented, collectively, the "**Park Agreement**") whereby the County and Sumter County agreed to develop a joint county industrial or business park eligible to include property located in either the County or Sumter County (the "**Park**"); and

WHEREAS, Section 1.01 of the Park Agreement establishes the procedure for enlargement of the boundaries of the Park to include additional property; and

WHEREAS, a private partnership identified for the time being as Project Cranberry (the "**Sponsor**"), intends to install solar power facilities on land in the County which would result in the creation of jobs and other economic benefits to the County (each a "**Project**" and collectively, "**Project Cranberry**"), and the Sponsor has assured the County that the following minimum investments in qualifying expenditures will be invested in each Project on or before December 31, 2023:

- i. An investment of not less than \$2,520,000 ("**Project Abbot**")
- ii. An investment of not less than \$2,520,000 ("**Project Bloom**"); and
- iii. An investment of not less than \$2,520,000 ("**Project Bond**")

WHEREAS, The County and Sumter County, having determined that an enlargement of the boundaries of the Park would promote economic development and thus provide additional employment and investment opportunities within said Counties, have agreed to enlarge the boundaries of the Park to include therein certain property, as described in greater detail in **Exhibit A** attached hereto, presently or to be leased and/or operated by Project Cranberry and located in Clarendon County (the “*Project Cranberry Property*”)

WHEREAS, pursuant to an Inducement Resolution dated as of [_____], 2018, the County identified each Project as a “project” as provided in the Act;

WHEREAS, the Sponsor has caused to be prepared and presented to this meeting the form of the Fee Agreements, attached hereto as **Exhibit B**, by and between the County and the Sponsor (each a “*Fee Agreement*” and collectively, the “*Fee Agreements*”), which provide for fee in lieu of tax payments utilizing a 6% assessment ratio for a period of 30 years for each Project or each component thereof placed in service during the investment period and the provision of an infrastructure credit; and

WHEREAS, it appears that the Fee Agreements, which are now before this meeting, are in appropriate form and are appropriate instruments to be executed and delivered by the County for the purposes intended.

NOW, THEREFORE, BE IT ORDAINED by the Council, as follows:

Section 1. *Authorization of Fee Agreements.* In order to promote industry, develop trade, and utilize and employ the manpower, products, and natural resources of the State of South Carolina by assisting the Sponsor to expand or locate an industrial facility in the State of South Carolina, the Fee Agreements are hereby authorized, ratified, and approved.

Section 2. *Statutory Findings.* Based solely on information provided to the County by the Sponsor, it is hereby found, determined, and declared by the County Council, as follows:

- (a) Each Project will constitute a “project” as said term is referred to and defined in the Act, and the County’s actions herein will subserve the purposes and in all respects conform to the provisions and requirements of the Act.
- (b) Each Project and the payments in lieu of taxes set forth herein are beneficial to the County, and the County has evaluated each Project based upon all criteria prescribed by law, including the anticipated dollar amount and nature of the investment to be made and the anticipated costs and benefits to the County.
- (c) Each Project is anticipated to benefit the general public welfare of the County by providing services, employment, recreation, or other public benefits not otherwise adequately provided locally.
- (d) Each Project gives rise to no pecuniary liability of the County or any incorporated municipality or a charge against the general credit or taxing power of either.

- (e) The purposes to be accomplished by each Project, i.e., economic development, creation of jobs, and addition to the tax base of the County, are proper governmental and public purposes.
- (f) The inducement of the location or expansion of each Project within the County and State is of paramount importance.
- (g) The benefits of each Project to the public will be greater than the costs.

Section 3. *Approval of Form of Fee Agreements.* The form, terms, and provisions of each Fee Agreement presented to this meeting are hereby approved, and all of the terms, provisions, and conditions thereof are incorporated herein by reference as if the Fee Agreements were set out in this Ordinance in their entirety. The Chairman of the County Council and/or the County Administrator are authorized, empowered, and directed to execute, acknowledge, and deliver the Fee Agreements in the name of and on behalf of the County, and thereupon to cause the Fee Agreements to be delivered to the Sponsor. The Fee Agreements are to be in substantially the form now before this meeting and hereby approved, with such changes therein as shall not be materially adverse to the County and as shall be approved by the officials of the County executing the same, upon the advice of Counsel to the County, such official's execution thereof to constitute conclusive evidence of such official's approval of any and all changes or revisions therein from the form of the Fee Agreements now before this meeting.

Section 4. *Enlargement of the Park.* The enlargement of the boundaries of the Park, and the granting of an extended period of time for inclusion of the Project Cranberry Properties in the Park, is hereby authorized and approved.

Section 5. *Authorization for County Officials to Execute Documents.* The Chairman of the County Council and/or the County Administrator, for and on behalf of the County, are hereby authorized and directed to do any and all things necessary to effect the execution and delivery of the Fee Agreements and the performance of all obligations of the County under and pursuant to the Fee Agreements.

Section 6. *General Repealer.* All orders, resolutions, ordinances, and parts thereof in conflict herewith are, to the extent of such conflict, hereby repealed, and this Ordinance shall take effect and be in full force from and after its passage and approval.

(SIGNATURE PAGE TO FOLLOW)

CLARENDON COUNTY, SOUTH CAROLINA



(SEAL)
ATTEST:



Chairman, County Council



Clerk to Council

First Reading: July 31, 2018
Second Reading: August 13, 2018
Public Hearing: August 13, 2018
Third Reading: August 20, 2018

STATE OF SOUTH CAROLINA)
)
COUNTY OF CLARENDON)

I, the undersigned, Clerk to County Council of Clarendon County, South Carolina ("County Council"), DO HEREBY CERTIFY:

That the foregoing constitutes a true, correct, and verbatim copy of an Ordinance adopted by the County Council. The Ordinance was read and received a favorable vote at three public meetings of the County Council on [7-31-18], [8-13-18], and [8-20-18]. At least one day passed between first and second reading, and at least seven days passed between second and third readings. A public hearing was held on [8-13-18], and notice of the public hearing was published in the [ITEM] on [7-27-18]. At each meeting, a quorum of County Council was present and remained present throughout the meeting.

Attached hereto are excerpts of the minutes of the meetings of the County Council. The County Council complied with the Freedom of Information Act, Chapter 4, Title 30 of the S.C. Code of Laws, 1976, in connection with said meetings of County Council.

The Ordinance is now in full force and effect.

IN WITNESS WHEREOF, I have hereunto set my Hand and the Seal of Clarendon County Council, South Carolina, as of this 20th day of August, 2018.

Signature: Dorothy M. Levy
Name: DOROTHY M. LEVY
Title: Clerk to County Council



STATE OF SOUTH CAROLINA
COUNTY OF SUMTER

PRINTER AFFIDAVIT

K & L GATES, LLP
134 MEETING ST # 500
CHARLESTON, SC 29401

Personally appeared before me



Kathy Stafford, Legal Clerk

Who being duly sworn, says she is a
Bookkeeping clerk of the OSTEEN
PUBLISHING CO., Publisher of THE ITEM
A Newspaper published in said state and
county and the advertisement

Sort Text: Public Hearing

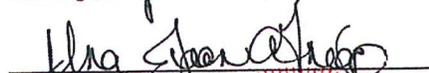
Ad Order ID: 287763

was published in said newspaper on
07/27/2018

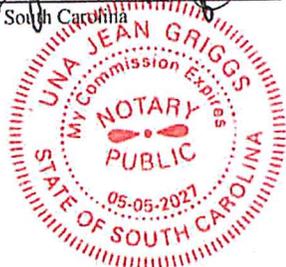
and a copy of the advertisement is attached.

Sworn to before me on said date:

August 2 2018



Notary Public for South Carolina



NOTICE OF PUBLIC HEARING CLARENDON COUNTY, SOUTH CAROLINA

NOTICE IS HEREBY GIVEN that the Clarendon County Council will hold a public hearing at the County Council Chambers, Administration Building, 411 Sunset Drive, Manning, SC, on Monday, August 13, 2018 at 6:00 p.m. in conjunction with a regularly scheduled meeting of the County Council.

The purpose of such public hearing is to receive comments regarding an ordinance entitled:

AN ORDINANCE AUTHORIZING PURSUANT TO TITLE 12, CHAPTER 44 OF THE CODE OF LAWS OF SOUTH CAROLINA 1976, AS AMENDED, THE EXECUTION AND DELIVERY OF FEE-IN-LIEU OF AD VALOREM TAXES AGREEMENTS BY AND BETWEEN CLARENDON COUNTY, SOUTH CAROLINA AND CERTAIN COMPANIES AS SPONSOR IDENTIFIED FOR THE TIME BEING AS PROJECT CRANBERRY, TO PROVIDE FOR FEE-IN-LIEU OF AD VALOREM TAXES INCENTIVES AND CERTAIN SPECIAL SOURCE REVENUE CREDITS; AND TO MODIFY A JOINT COUNTY INDUSTRIAL AND BUSINESS PARK OF CLARENDON AND SUMTER COUNTIES SO AS TO ENLARGE THE PARK; AND OTHER MATTERS.

Subject to the normal rules of County Council regarding appearances, members of the public are invited to attend and make comment concerning the proposed Ordinances. Clarendon County accommodates individuals needing assistance to participate in programs, services, or activities sponsored by the County in compliance with ADA/Section 504.

EXHIBIT A

Description of Project Cranberry Properties

Three individually qualifying projects consisting of leased pieces, parcels, or tracts of land, together with easements for access and utilities. Tax Map Numbers sorted by Project name:

- Abbot Solar: 168-00-02-005-00
- Bloom Solar: 099-00-04-003-00
- Bond Solar: 078-00-00-002-00

EXHIBIT B
Form Fee Agreements