

STATE OF SOUTH CAROLINA)
)
NEWBERRY COUNTY)

RESOLUTION #12-17

A RESOLUTION IDENTIFYING PROJECT PRIME, AN ECONOMIC DEVELOPMENT PROJECT TO BE LOCATED AND CONSTRUCTED IN NEWBERRY COUNTY, SOUTH CAROLINA, AND AUTHORIZING A FEE-IN-LIEU OF TAX AGREEMENT BY AND BETWEEN PROJECT PRIME AND NEWBERRY COUNTY, SOUTH CAROLINA; AND OTHER MATTERS RELATED THERETO.

WHEREAS, Newberry County, South Carolina (the “County”), a body politic and corporate and a political subdivision of the State of South Carolina (“State”), acting by and through its County Council (the “County Council”), is authorized and empowered under and pursuant to the provisions of the South Carolina Constitution (the “Constitution”) and the Code of Laws of South Carolina, 1976, as amended, (the “Code”) and the case law of the courts of the State of South Carolina, to offer and provide certain incentives to prospective industries as inducements for economic development within the County; is authorized and empowered under and pursuant to the provisions of Title 12, Chapter 44 of the Code, as amended (the “Act”), to acquire, or cause to be acquired, “projects” (as defined in the Act); and is authorized to enter into agreements with any industry to construct, operate, maintain and improve such projects that provide for the exemption of such project from property taxes and provide for the payment of a fee-in-lieu of property taxes (a “fee agreement” as defined in the Act), through which the industrial development of the State will be promoted and trade developed by inducing manufacturing and commercial enterprises to locate and remain in the State and thus utilize and employ the manpower, agricultural products and natural resources of the State and benefit the general public welfare of the County by providing services, employment, recreation, or other public benefits not otherwise provided locally; and

WHEREAS, Project Prime (“Project Prime” or the “Company”) desires to expand its existing manufacturing facility located in the County (the “Project”), which will result in the creation of new jobs and new investment in the County; and

WHEREAS, based solely on information provided by the Company, the County has determined that the Project would directly and substantially benefit the general public welfare of the County by providing the creation of jobs and employment, the increase of ad valorem tax base, service, employment, or other public benefits not otherwise provided locally; that the Project gives rise to no pecuniary liability of the County or incorporated municipality or a charge against the general credit or taxing power of either; that the purposes to be accomplished by the Project, i.e., economic development, creation of jobs, and addition to the tax base of the County, are proper governmental and public purposes; that the inducement of the location of the Project within the County and State is of paramount importance; and that the benefits of the Project will be greater than the costs; and

WHEREAS, based solely on information provided by the Company, the County has determined that the Project would be a “project” as that term is defined in the Act and that the Project would subserve the purposes of the Act; and

WHEREAS, the County Council, having heard the particulars of the Project, wishes to reflect and identify the Project for purposes of § 12-44-40(D), and other relevant provisions, of the Act; and

WHEREAS, the County Council, having identified the Project, further agrees to consider an Ordinance authorizing the County to grant the Company a fee-in-lieu-of-tax arrangement.

NOW, THEREFORE, BE IT RESOLVED, by the County Council as follows:

Section 1. Identification of Project. The Project, on the terms and conditions set forth on the record and as heard by the County Council, is hereby reflected and identified for purposes of the Act.

Section 2. Fee-in-Lieu-of-Tax Arrangement. The County Council shall consider an Ordinance authorizing the County to grant the Company a fee-in-lieu-of-tax arrangement.

Section 3. Fee Agreement. The provisions, terms, and conditions of a fee-in-lieu-of tax agreement (the “Fee Agreement”) for the Project, by and between the County and the Company, shall be prescribed and authorized by subsequent ordinance of the County Council.

Section 4. Effectiveness of Resolution. All orders, resolutions, and parts thereof in conflict herewith are, to the extent of such conflict, hereby repealed. This Resolution shall take effect and be in full force from and after its passage by the County Council.

Section 5. Official Action. It is the intention of the County Council that this Resolution shall constitute an official action on the part of the County within the meaning of any statute or other legislative enactment relating to the provision of incentives including, without limitation, the identification of the Project as a “project” for purposes of the Act.

Adopted in meeting duly assembled this 1st day of November 2017.

NEWBERRY COUNTY, SOUTH CAROLINA

By: _____
Henry H. Livingston, III, Chairman
Newberry County Council, South Carolina

(SEAL)

ATTEST:

By: _____
Laurie Renwick, Clerk to Council
Newberry County, South Carolina