STATE OF SOUTH CAROLINA)

RESOLUTION #13-17

COUNTY OF NEWBERRY

A RESOLUTION IDENTIFYING AN ECONOMIC DEVELOPMENT PROJECT TO BE LOCATED IN NEWBERRY COUNTY, SOUTH CAROLINA; PROVIDING FOR A FEE IN LIEU OF TAX AGREEMENT AND SPECIAL SOURCE REVENUE CREDIT BETWEEN NEWBERRY COUNTY AND PIONEER FROZEN FOODS SOUTH CAROLINA, LLC; AND OTHER RELATED MATTERS.

)

)

WHEREAS, Newberry County, South Carolina (the "County"), acting by and through its County Council (the "County Council") is authorized and empowered under and pursuant to the provisions of Section 4-1-175 and 4-29-68 and Title 12, Chapter 44, Code of Laws of South Carolina, 1976, as amended (the "Act"), to enter into a fee in lieu of tax agreement (the "Fee Agreement") with respect to a project which requires the industry to make a payment of a fee in lieu of taxes, and to provide special source revenue financing, secured by and payable solely from revenues of the County derived from payments in lieu of taxes pursuant to Article VIII, Section 13 of the South Carolina Constitution, for the purpose of defraying the cost of designing, acquiring, constructing, improving, or expanding the infrastructure serving Newberry County, for improved or unimproved real estate and personal property including machinery and equipment used in the operation of a manufacturing facility or commercial enterprise in order to enhance the economic development of Newberry County, through which powers the industrial development of the State of South Carolina and the County will be promoted and trade developed by inducing manufacturing and commercial enterprises to locate and remain in the State of South Carolina and the County and thus to utilize and employ the manpower, products, and natural resources of the State of South Carolina to benefit the general public welfare of the County by providing services, employment, and other public benefits not otherwise provided locally; and

WHEREAS, Pioneer Frozen Foods South Carolina, LLC, on its own or together with one or more of its subsidiaries, affiliates, successors, assigns, sponsors, lessors, and others (collectively, the "Company"), desires to acquire property and to invest capital in the County in order to expand its a manufacturing facility in the County (the "Project"); and

WHEREAS, the Company has requested that the County enter into a Fee Agreement for the Company's new investment; and

WHEREAS, the Company previously entered into a certain Fee Agreement with Newberry County dated as of December 11, 2002, the investment period of which was extended by Amendment dated as of December 19, 2007 (collectively, the 2002 Fee Agreement"); and

WHEREAS, the Company has requested that the County provide an infrastructure and/or special source revenue credit ("SSRC") with respect to the Project to be applied against those investments not covered under a fee in lieu of tax transaction; and

WHEREAS, based solely on information provided by the Company, the County has determined that the Project would be a "project" as defined in the Act and that the Project would serve the purposes of the Act; and

WHEREAS, as provided in Section 4-1-170 of the Code of Laws of South Carolina, 1976, as amended and Article VIII, Section 13 of the South Carolina Constitution, the Project has been included in a multi-county industrial and business park established by the County (the "Park") pursuant to a qualifying agreement with Lexington County, South Carolina (the "Park Agreement").

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

Section 1. Based solely on information provided by the Company, the County Council hereby finds that: (*i*) the 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; (*ii*) the Project gives rise to no pecuniary liability of the County or a charge against its general credit or taxing power; (*iii*) the purposes to be accomplished by the Project are proper governmental and public purposes and the inducement of the location of the Project within South Carolina is of paramount importance and the benefits of the Project to the public are greater than the cost (which latter finding has been made using an appropriate costbenefit analysis); and (*iv*) it has evaluated the Project considering all relevant and required factors, including, but not limited to, the anticipated dollar amount and nature of the investment to be made and the anticipated costs and benefits to the County, and all other criteria prescribed by law.

<u>Section 2.</u> The County hereby agrees to consider an ordinance authorizing the County to enter into a fee in lieu of tax arrangement with the Company under the Act, including the provision of an SSRC. The further details of the FILOT and the SSRCs shall be prescribed by subsequent ordinance of the County.

<u>Section 3.</u> This resolution shall constitute an inducement resolution for this Project within the meaning of the Act.

<u>Section 4.</u> 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.

Adopted this 15th day of November 2017.

NEWBERRY COUNTY, SOUTH CAROLINA

By: Name: Henry H. Livingston, III Chairman, Newberry County Council

(SEAL) ATTEST:

Signature: ______ Name: Laurie Renwick Title: Clerk to County Council