

A RESOLUTION

IDENTIFYING A PROJECT TO SATISFY THE REQUIREMENTS OF SOUTH CAROLINA CODE ANNOTATED SECTION 12-44-40, SO AS TO ALLOW INVESTMENT EXPENDITURES INCURRED BY A COMPANY KNOWN TO THE COUNTY AS PROJECT ROCK (INCLUDING ITS AFFILIATED AND RELATED ENTITIES) TO QUALIFY AS EXPENDITURES ELIGIBLE FOR A FEE-IN-LIEU OF TAXES ARRANGEMENT WITH GREENVILLE COUNTY, SOUTH CAROLINA; TO PROVIDE FOR THE INCLUSION OF THE PROJECT IN A MULTI-COUNTY BUSINESS OR INDUSTRIAL PARK; TO PROVIDE FOR THE GRANT OF SPECIAL SOURCE REVENUE CREDITS; AND TO COMMIT TO ENTER INTO NECESSARY AGREEMENTS WITH THE COMPANY TO EFFECTUATE THE INTENT OF THIS RESOLUTION; AND OTHER RELATED MATTERS.

WHEREAS, Greenville County, South Carolina (“County”), acting by and through its County Council (“Council”), is authorized and empowered under and pursuant to the provisions of (i) Title 12, Chapter 44 Code of Laws of South Carolina, 1976, as amended (“FILOT Act”), to enter into agreements with qualifying industry whereby the industry would pay fees-in-lieu-of taxes (“FILOT”) with respect to qualified projects through which the development of the State of South Carolina (“State”) will be promoted and trade developed by inducing manufacturing and commercial enterprises to locate or remain in the State and thus utilize and employ the manpower, products and 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; (ii) Section 4-1-170 of the Code of Laws of South Carolina 1976, as amended, to create multi-county industrial or business parks with one or more contiguous counties and include certain properties therein (the “MCIP Act”); and (iii) Section 4-1-175 of the Code of Laws of South Carolina 1976, as amended (“SSRC Act”) to grant special source revenue credits against FILOT payments for certain qualifying infrastructure expenditures as defined in the SSRC Act;

WHEREAS, the County is recruiting an investment in the County by a company known to the County as Project Rock (“Company”), including affiliated and related entities, consisting of approximately \$17,000,000 (the “Minimum Investment”) in expenditures to establish a manufacturing facility in the County (“Project”);

WHEREAS, in connection with the Project, the Company has requested the County enter into a FILOT agreement to establish the binding commitments of (i) the Company to make the Minimum Investment and (ii) pursuant to the FILOT Act, the County to (a) provide a FILOT incentive to the Company, (b) pursuant to the MCIP Act, include the Project in a multi-county industrial or business park, either presently existing or to be created, and (c) pursuant to the SSRC Act, grant special source revenue credits against FILOT payments for qualifying infrastructure expenditures made by the Company, all as set forth more fully in the FILOT agreement;

WHEREAS, pursuant to the FILOT Act, and based on information supplied by the Company, the County has determined that the Project is anticipated to benefit the general public welfare of the County by providing services, employment, recreation or other public benefits not otherwise provided locally; that the 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; 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 or expansion 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, the County has determined on the basis of the information supplied to it by the Company that the Project would be a “project” as that term is defined in the FILOT Act and that the Project would serve the purposes of the FILOT Act.

NOW, THEREFORE, BE IT RESOLVED by the Greenville County Council that:

Section 1. It is hereby found, determined and declared on the basis of the information supplied to it by the Company as follows:

- a. The Company is or will be engaged in the business of manufacturing, and the Project will be located in the County.
- b. The Project will constitute a “project” as said term is referred to and defined in Section 12-44-30 of the FILOT Act and will subserve the purposes of the FILOT Act.
- c. The Project is anticipated to benefit the general welfare of the County by providing services, employment or other public benefits not otherwise adequately provided locally.
- d. The Project will not give rise to any 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 the Project are proper governmental and public purposes, and the benefits of the Project to the public will be greater than the costs

Section 2. The County hereby identifies the Project, which action is intended to satisfy the requirements of Section 12-44-40 of the FILOT Act.

Section 3. The County shall (i) negotiate a FILOT agreement with the Company by which the County will provide a FILOT incentive to the Company and the Company will make FILOT payments with respect to the Project , using an assessment ratio of six percent (6%), a fixed millage rate of [INSERT] (which millage rate is intended by the County and the Company to be the lowest millage rate allowable pursuant to Section 12-44-50(A)(1)(d) of the FILOT Act), and a fair market value estimate using original cost less allowable depreciation for the personal property, including any replacement property (as adjusted for all applicable *ad valorem* tax exemptions), (ii) include the Project in a multi-county industrial or business park, either presently existing or to be created, and (iii) grant special source revenue credits against FILOT payments made with respect to the Project for qualifying infrastructure expenditures made by the Company whereby, so long as the Company invests at least \$17,000,000 (without regard to depreciation) in the Project during the Investment Period, certain infrastructure credits, in the amount of fifteen (15%) percent for ten (10) years, all subject to future approval by one or more ordinances of the County Council.

Section 4. The authorization of the execution and delivery of the documents contemplated above and all other documents or obligations of the County in connection therewith are subject to the compliance by the County Council with the provisions of the Home Rule Act regarding the procedural requirements for adopting ordinances and resolutions.

Section 5. All orders, resolutions, and parts thereof in conflict with this Resolution 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.

APPROVED AND ADOPTED IN A MEETING THIS ____ DAY OF August, 2015.

Chairman, County Council
Greenville County, South Carolina

County Administrator
Greenville County, South Carolina

ATTEST:

Clerk to Council
Greenville County, South Carolina