

ORDINANCE NO. \_\_\_\_\_

**A ORDINANCE AUTHORIZING, UNDER CERTAIN CONDITIONS, THE EXECUTION AND DELIVERY BY GREENVILLE COUNTY, SOUTH CAROLINA OF A SPECIAL SOURCE CREDIT AGREEMENT WITH BOSCH REXROTH CORPORATION WITH RESPECT TO A MANUFACTURING TESTING AND PRODUCT PROVING GROUNDS FACILITY IN THE COUNTY WHEREBY THE PROJECT WOULD BE SUBJECT TO PAYMENT OF CERTAIN FEES IN LIEU OF TAXES, AND WHEREBY BOSCH REXROTH CORPORATION WILL BE PROVIDED CERTAIN CREDITS AGAINST FEE PAYMENTS IN REIMBURSEMENT OF INVESTMENT IN RELATED QUALIFIED INFRASTRUCTURE; AND PROVIDING FOR RELATED MATTERS**

WHEREAS, Greenville County, South Carolina (the "County"), acting by and through its County Council (the "Council"), is authorized and empowered under and pursuant to Article VIII, Section 13 of the South Carolina Constitution and Title 4, Chapter 1 and Title 12, Chapter 44 Code of Laws of South Carolina, 1976, as amended (the "FILOT Statute"), to enter into agreements with any industry whereby the industry would pay fees-in-lieu-of taxes with respect to qualified projects; through which powers the development of the State of South Carolina (the "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;

WHEREAS, the County is recruiting an investment in the County by Bosch Rexroth Corporation (the "Company"), in the form of a new and/or additional manufacturing testing and product proving grounds facility to be located in the County (the "Project");

WHEREAS, the Council, in order to induce the Company to locate the Project in the County, has committed to the Company that the Council will extend the time to invest in an existing fee in lieu of tax ("FILOT") agreement dated December 1, 2011, which will provide certain benefits to the Company, if the Company locates the expanded Project in the County;

WHEREAS, it is anticipated that the Company will invest not less than an additional \$5 million in the County (without regard to whether some or all of the investment is included in a FILOT arrangement);

WHEREAS, the County will provide a special source tax credit against payments in lieu of taxes of \$400,000 (the "Special Source Credit") as defined in Section 4-1-175 and Section 12-44-70 of the Code of Laws of South Carolina, 1976, as amended (the "Code") which Special Source Credit is to be received as a reimbursement for qualified infrastructure enhancement for the testing

and product proving grounds facility. The reimbursement cannot exceed \$100,000 in a tax year and must be taken within a period of five (5) years, all as more specifically provided for in the Special Source Credit Agreement between the Company and the County, the form of which is now before Council (“Special Source Credit Agreement”).

WHEREAS, the County Council, by its Inducement Resolution adopted on November 17, 2015, authorized the execution of a Special Source Credit Agreement (the “SSRC Agreement”), and, will by this County Council Ordinance, authorize a SSRC Agreement with respect to the Project providing for the incentives referred to in the Inducement Resolution.

WHEREAS, the County has determined and found after considering all relevant factors and criteria as prescribed by law 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, keeping 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” and “economic development property” as such terms are defined in the FILOT and that the Project would serve the purposes of the FILOT and further enhance the economy of the County.

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

1. If the Company agrees to locate the Project in the County and agrees to invest not less than an additional Five Million (\$5,000,000) Dollars in the FILOT and the Project between January 1, 2015 and December 31, 2017, the County agrees to provide a Special Source Credit, which Special Source Credit is to be received as a reimbursement for qualified infrastructure enhancement of the Project. The reimbursement cannot exceed \$100,000 in a tax year and must be taken within a period of five (5) years, all as more specifically provided for in the Special Source Credit Agreement between the Company and the County.

2. The Chairman of County Council and the County Administrator, for and on behalf of the County, are hereby authorized to execute and deliver the Special Source Credit Agreement, in substantially the form attached hereto, or with such minor changes as are not materially adverse to the County and as such officials shall determine and as are not inconsistent with the matters contained herein, their execution thereof to constitute conclusive evidence of their approval of any and all changes or revisions therein from the form of the Special Source Credit Agreement now before this meeting, and are directed to do any thing otherwise necessary to effect the execution and delivery of the Special Source Credit Agreement and the performance of all obligations of the County under and pursuant to the Special Source Credit Agreement.

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

4. The authorization of the execution and delivery of the documents related to the FILOT and the Special Source Credit and all other related documents or obligations of the County is subject to the compliance by the Council with the provisions of the Home Rule Act regarding the procedural requirements for adopting ordinances and resolutions.

Enacted this \_\_\_\_ day of \_\_\_\_\_, 2016.

GREENVILLE COUNTY, SOUTH CAROLINA

By: \_\_\_\_\_  
Bob Taylor, Chairman of County Council  
Greenville County, South Carolina

By: \_\_\_\_\_  
Joseph M. Kernell, Administrator of County  
Greenville County, South Carolina

ATTEST:

By: \_\_\_\_\_  
Theresa B. Kizer, Clerk to County Council  
Greenville County, South Carolina

First Reading: November 17, 2015  
Second Reading:  
Public Hearing:  
Third Reading: