STATE OF SOUTH CAROLINA	)		
	)	ORDINANCE NO	
COUNTY OF GREENVILLE	)		

AN ORDINANCE TO AUTHORIZE AND APPROVE AN AGREEMENT FOR THE DEVELOPMENT OF A JOINT INDUSTRIAL AND BUSINESS PARK (WORKFORCE HOUSING) BY AND BETWEEN GREENVILLE COUNTY AND ANDERSON COUNTY, SUCH INDUSTRIAL AND BUSINESS PARK TO BE GEOGRAPHICALLY LOCATED IN GREENVILLE COUNTY AND ANDERSON COUNTY AND ESTABLISHED PURSUANT TO SECTION 4-1-170 OF THE CODE OF LAWS OF SOUTH CAROLINA 1976, AS AMENDED; AND OTHER MATTERS RELATED THERETO.

Enacted:	, 2023

WHEREAS, Greenville County, South Carolina ("Greenville County") and Anderson County, South Carolina ("Anderson County", and Greenville County and Anderson County, collectively, the "Counties") are authorized under Article VIII, Section 13 of the South Carolina Constitution to jointly develop an industrial and business park within the geographical boundaries of one or more of the member counties; and

WHEREAS, in order to promote the economic welfare of the citizens of the Counties by providing employment and other benefits to the citizens of the Counties and promoting economic development in, and enhancing the tax base of the Counties, Greenville County proposes to enter into an agreement with Anderson County to develop jointly an industrial and business park within Greenville County as provided by Article VIII, Section 13 of the South Carolina Constitution and in accordance with Section 4-1-170 of the Code of Laws of South Carolina 1976, as amended (collectively, the "Act");

## NOW, THEREFORE, BE IT ORDAINED BY THE COUNTY COUNCIL OF GREENVILLE COUNTY:

<u>Section 1</u>. Greenville County is hereby authorized to jointly develop an industrial and business park (the "Park") with Anderson County, with the consent of any applicable municipality (to the extent required by the Act).

Section 2. Greenville County will enter into a written agreement to develop the Park jointly with Anderson County in substantially the form attached hereto as Exhibit A, which is incorporated herein by reference (the "Park Agreement"). By enactment of this Ordinance, the Greenville County Council hereby approves the Park Agreement and all of its terms, provisions and conditions. The Greenville County Administrator is hereby authorized to execute the Park Agreement on behalf of Greenville County, with such changes as the Administrator shall deem, upon advice of counsel, necessary or desirable and which do not materially alter the agreements set forth therein.

Section 3. The businesses or industries located in the Park must pay a fee in lieu of *ad valorem* taxes as provided for in the Park Agreement. With respect to properties located in the Greenville County portion of the Park, the fee paid in lieu of *ad valorem* taxes shall be paid to the Treasurer of Greenville County. The portion of such fee allocated pursuant to the Park Agreement to Anderson County shall be thereafter paid by the Treasurer of Greenville County to the Treasurer of Anderson County within ten (10) business days after the end of the calendar quarter of receipt for distribution in accordance with the Park Agreement and the ordinances of Anderson County. With respect to properties located in the Anderson

County portion of the Park, if any, the fee paid in lieu of *ad valorem* taxes shall be paid to the Treasurer of Anderson County. The portion of such fee allocated pursuant to the Park Agreement to Greenville County shall thereafter be paid by the Treasurer of Anderson County to the Treasurer of Greenville County within ten (10) business days after the end of the calendar quarter of receipt for distribution in accordance with the Park Agreement and the ordinances of Greenville County.

Section 4. The ordinances and regulations of Greenville County concerning zoning, health and safety, and building code requirements apply to the Park properties in Greenville County unless the properties are within the boundaries of a municipality, in which case the municipality's ordinances and regulations apply. The ordinances and regulations of Anderson County concerning zoning, health and safety, and building code requirements apply to the Park properties in Anderson County, if any, unless the properties are within the boundaries of a municipality, in which case the municipality's ordinances and regulations apply.

Section 5. Jurisdiction to make arrests and exercise all authority and power within the boundaries of the Park properties in Greenville County is vested with the Greenville County Sherriff's Department. Jurisdiction to make arrests and exercise all authority and power within the boundaries of the Park properties in Anderson County is vested with the Anderson County Sheriff's Department. If any of the Park properties located in either Greenville County or Anderson County are within the boundaries of a municipality, then jurisdiction to make arrests and exercise law enforcement jurisdiction is vested with the law enforcement officials of the municipality.

Section 6. The revenues generated from industries or businesses located within the Greenville County portion of the Park and to be retained by Greenville County pursuant to the Park Agreement shall be distributed within Greenville County in the manner set forth below:

<u>First</u>, unless Greenville County elects to pay or credit the same from only those revenues which Greenville County would otherwise be entitled to receive as provided under "<u>Third</u>" below, to pay annual debt service and other amounts required to be paid with respect to any special source revenue bonds issued by Greenville County pursuant to, or to be utilized as a credit in the manner provided in the second paragraph of, Section 4-1-175, Code of Laws of South Carolina 1976, as amended, or any successor statutes or provisions, payable in whole or in part by or from revenues generated from any properties in the Park;

<u>Second</u>, at the option of Greenville County, to reimburse Greenville County for any expenses incurred by it in the development, operation, maintenance and promotion of the Park or the businesses located therein and to fund economic development activities (including any incentives provided to industries and businesses) inside and outside the Park as determined by the County Council of Greenville County from time to time; and

<u>Third</u>, to those taxing entities which overlap the applicable properties within Greenville County's portion of the Park, in a pro-rata fashion based on comparative millage rates for the year in question of such taxing entities, and to no others;

<u>provided</u>, that: (i) all taxing entities which overlap the applicable properties in the Park shall receive some portion of the revenues generated from such properties, (ii) all revenues receivable by a taxing entity in a fiscal year shall be allocated to operations and maintenance and to debt service as determined by the governing body of such taxing entity; and (iii) Greenville County may, by ordinance, amend the distribution of such revenues to all taxing entities.

Section 7. To the extent this Ordinance contains provisions that conflict with provisions contained

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elsewhere in the Greenville County Code of Ordinances or other Greenville County ordinances or resolutions, the provisions contained in this ordinance supersede all other provisions and this Ordinance is controlling.

<u>Section 8</u>. If any section, phrase, sentence, or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, the invalid or unconstitutional portion is deemed a separate, distinct, and independent provision, and the holding shall not affect the validity of the remaining portions of this Ordinance.

<u>Section 9</u>. This Ordinance is effective upon third reading.

[signature page follows]

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<b>ENACTED</b> in meeting duly assembled this da	ay of, 2023.
	GREENVILLE COUNTY, SOUTH CAROLINA
(SEAL)	
	Chairman, County Council Greenville County, South Carolina
ATTEST:	
Clerk to Greenville County Council	
First Reading: Second Reading: Public Hearing: Third Reading:	

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## Exhibit A

## Form of Park Agreement

[see attached]