

Sponsor(s) : County Council
Adopted : January 4, 2022
Committee Referral : N/A
Committee Consideration Date : N/A
Committee Recommendation : N/A

RESOLUTION NO. 22-R-03

COUNCIL-ADMINISTRATOR FORM OF GOVERNMENT FOR COLLETON COUNTY

[A Resolution to Approve Acceptance of a Grant from Coastal Electric Cooperative, Inc. in the amount of \$144,375 for Industrial Infrastructure Development.]

1. The County Budget Ordinance requires a Resolution to record all non-budgeted revenues and non-budgeted grant revenues; and
2. The County is in receipt of \$144,375.00 from Coastal Electric Cooperative, Inc. to be used for the construction of infrastructure and other qualifying projects within the Colleton County Commerce Center, for water improvements, sewer improvements and road work, and for other projects owned by the County all of which must qualify under the South Carolina Rural Development Act (Act No. 462 of 1996, as amended) and other applicable state laws.

NOW THEREFORE BE IT RESOLVED BY THE COLLETON COUNTY COUNCIL DULY ASSEMBLED THAT:

1. County Council hereby authorizes the designation of appropriate general ledger accounts to record revenue and expenditures as follows:

Colleton County Industrial Development Fund 140; \$144,375.00 in revenues from Coastal Electric Cooperative, Inc. to be used for the construction of infrastructure and or qualifying projects within the Colleton County Commerce Center, for water improvements, sewer improvements and road work, and other projects owned by the County all of which must qualify under the South Carolina Rural Development Act (Act No. 462 of 1996, as amended) and other applicable state laws.

2. The County Council Chairman is hereby authorized to execute the Contract (copy attached and included herein for reference) agreeing to receive and accepting the terms of the \$144,375.00 grant from Coastal Electric Cooperative, Inc.

ATTEST:


Kaela Brinson, Council Clerk

SIGNED:


Steven D. Murdaugh, Chairman

COUNCIL VOTE: Unanimous
OPPOSED:

STATE OF SOUTH CAROLINA
COUNTY OF COLLETON

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CONTRACT

WHEREAS, Coastal Electric Cooperative, Inc., hereafter referred to as "Coastal", desires to make a contribution to the County of Colleton, hereafter referred to as the "County", in the amount of One Hundred Fourteen Thousand and 00/100 (\$114,000.00) Dollars and to receive a credit against Coastal's tax liability pursuant to the South Carolina Rural Development Act;

WHEREAS, Central Electric Power Cooperative, Inc., hereinafter referred to as "Central", and/or the member cooperatives of The Electric Cooperatives of South Carolina, Inc. (collectively with Coastal and Central, the "Cooperatives"), through Coastal, desire to make a contribution to the County in the amount of Thirty Thousand Three Hundred Seventy-Five and 00/100 (\$30,375.00) Dollars and to receive a credit against the contributing parties' tax liability pursuant to the South Carolina Rural Development Act; and

WHEREAS, in order to effectuate the above, the County, by and through its County Council, and Coastal, on its behalf and on behalf of the other Cooperatives, wish to enter into this agreement.

NOW THEREFORE, for and in the consideration of One Hundred Forty-Four Thousand Three Hundred Seventy-Five and 00/100 (\$144,375.00) Dollars, paid from Coastal and/or the other Cooperatives to the County, the receipt of which is hereby acknowledged, as well as the other rights, duties and obligations as set out below, the parties agree as follows:

1. That Coastal is a rural electric cooperative organized and existing under the laws of the State of South Carolina and as such are eligible to take advantage of the license tax credit set forth in Section 12-20-105 of the South Carolina Code of Laws, as amended (hereinafter referred to as the "Act").

2. That the County is a political subdivision of the State of South Carolina and a body politic organized under the laws of the State of South Carolina.

3. That Coastal intends to provide monies to the County for the construction of infrastructure and/or qualifying projects within the "Colleton County Commerce Center" for road work and site work for a spec building owned and controlled by the County and other projects owned by the County within Colleton County provided that any and all projects must qualify under the Act and other applicable state laws.

4. That the Cooperatives, pursuant to the Act, are allowed to apply for a credit against the Cooperatives' license tax liability for amounts paid in cash to provide infrastructure for qualifying projects as prescribed in Section 12 of the Act.

5. The "Colleton County Commerce Center" and/or projects to be funded are owned by or will be controlled by the County and have received the necessary state and local government approvals to be deemed an "eligible project" as that term is defined in the Act.

6. That the County has requested, and Coastal (for itself and on behalf of the other Cooperatives) has agreed, to invest dollars to provide infrastructure for qualifying projects that the Cooperatives would otherwise have paid as part of their license tax liability to the State of South Carolina, through the Department of Revenue (the "Department").

7. That County agrees to use these funds only for infrastructure improvements set out and approved by the Act.

8. That County and Coastal agree to abide by any and all stipulations, conditions, and requirements of the Act, including but not limited to any and all necessary filings made necessary by the Act upon request or receipt of these funds.

9. That if, and in the event, the County fails, or otherwise refuses to use the funds contributed by Cooperatives, the County hereby agrees to take any and all such steps as are necessary to repay those funds immediately to Cooperatives, or in the alternative to pay said funds on behalf of Cooperatives to the Department. If the County fails to take action to reimburse the Cooperatives, the Cooperatives shall have a cause of action against the County for breach of this agreement including costs and attorneys' fees.

10. That in the event the funds are not appropriately used under the Act and any Cooperative is (jointly or individually) held responsible for the payment of any or all of these funds to the State of South Carolina, the County agrees not only to repay such funds, but also agrees to pay any penalty, interest, or fines that result from the lack of or inappropriate use of said funds.

11. That the parties agree that they will both sign a form required by the Act waiving the statute of limitations on the State of South Carolina through the Department of Revenue for attempting to collect the above referenced funds, if and in the event, they are not appropriately used under the Act and both parties agree to take all steps that would be necessary to cooperate with the Department of Revenue to see that the transfer and use of funds are appropriately handled and accounted for.

(THIS SPACE INTENTIONALLY LEFT BLANK)

IN WITNESS WHEREOF, the undersigned has executed and sealed the Contract this 6th day of January, 2022, and this is a separate signature page being attached to the original Contract as Page No. 3.

WITNESSETH:

Kaella Brinson
[Signature]

COLLETON COUNTY COUNCIL

By: Steven D. Murdaugh
Steven D. Murdaugh
Its: Chairman

STATE OF SOUTH CAROLINA)
COUNTY OF COLLETON)

ACKNOWLEDGMENT

The foregoing instrument was acknowledged by me this 6th day of January, 2022, by Steven D. Murdaugh, Chairman of the Colleton County Council, on behalf of Colleton County.

Kaella J. Brinson
Notary Public for South Carolina
Notary's Printed Name: Kaella Brinson
My Commission Expires: 9.20.2029

IN WITNESS WHEREOF the undersigned has executed and sealed the Contract this 24th day of January, 2022, and this is a separate signature page being attached to the original Contract as Page No. 4.

WITNESSETH:

COASTAL ELECTRIC COOPERATIVE, INC.

Deanne S. Fender
Tamara Slater

By: Mark L. Walling
Mark L. Walling
Its: Chief Executive Officer

STATE OF SOUTH CAROLINA }
COUNTY OF COLLETON }

ACKNOWLEDGMENT

The foregoing instrument was acknowledged by me this 24 day of January, 2022, by Mark L. Walling, Chief Executive Officer of Coastal Electric Cooperative, Inc., a South Carolina corporation, on behalf of the corporation.

Tamara D Dean
Notary Public for SC
Notary's Printed Name: TAMARA D DEAN
My Commission Expires: 3-14-27