

Sponsor(s) : County Council  
Adopted : June 6, 2023  
Committee Referral : N/A  
Committee Consideration Date : N/A  
Committee Recommendation : N/A

**RESOLUTION NO. 23-R-36**

**COUNCIL-ADMINISTRATOR FORM OF GOVERNMENT FOR COLLETON COUNTY**

**[A RESOLUTION IDENTIFYING A PROJECT IN ORDER TO SATISFY THE REQUIREMENTS OF SOUTH CAROLINA CODE SECTION 12-44-40, SO AS TO ALLOW INVESTMENT EXPENDITURES INCURRED BY PROJECT MARATHON TO QUALIFY AS EXPENDITURES ELIGIBLE FOR A FEE-IN-LIEU OF AD VALOREM TAXES AND SPECIAL SOURCE REVENUE CREDIT ARRANGEMENT WITH COLLETON COUNTY, SOUTH CAROLINA; AND OTHER MATTERS RELATING THERETO.]**

WHEREAS, Colleton County, South Carolina (“County”) acting by and through its County Council is authorized and empowered (i) under and pursuant to the provisions of (i) Title 12, Chapter 44 Code of Laws of South Carolina, 1976, as amended (“Act”) (a) to enter into agreements with qualifying industry to encourage investment in projects constituting economic development property through which the industrial development of the State of South Carolina will be promoted by inducing new and existing manufacturing and commercial enterprises to locate and remain in the State and thus utilize and employ manpower and other resources of the State and (b) to covenant with such industry to accept certain fee payments in lieu of *ad valorem* taxes (“FILOT”) and provide special source revenue credits (“SSRCs”) with respect to such investment; and

WHEREAS, Project Marathon (the “Company”) is planning an investment consisting of the total expenditure of \$235.8 million (“Investment”) in order to establish a new facility in the County (“Project”); and

WHEREAS, in connection with the Project, the Company has requested the County to adopt this Resolution (i) to establish the intention of the Company to make the Investment and (ii) to establish the intention of the County to provide a FILOT and SSRC incentive; and

WHEREAS, in accordance with Section 12-44-40 of the Act, the County has determined that (i) the Project will 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 incorporated municipality and to no charge against the general credit or taxing power of either the County or any incorporated municipality; (iii) the purposes to be accomplished by the Project are proper governmental and public purposes; and (iv) the benefits of the Project to the public are greater than the costs to the public.

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

Section 1. The County hereby identifies the Project, which action is intended to

satisfy the requirements of Section 12-44-40 of the Act.

Section 2. If the Company decides to locate the Project in Colleton County, the County Council hereby commits to providing development incentives for the Project through the payment by the Company of fees in lieu of taxes with respect to the Project pursuant to Section 12-44-40 of the Act, including the incentives set forth in the recitals hereof, and the County agrees to negotiate a Fee Agreement with the Company establishing the terms of such incentives. The County Council's commitment to place the Project land in a multi-county park is subject to the exercise of discretion by a governmental entity other than the County and the exercise of that discretion is not controlled by the County. The County agrees to provide the incentives set forth in this Resolution as long as the Company agrees to the payment of all costs and expenses, including legal fees, incurred by the County due to the grant of the incentives set forth herein for the Project. The County Council must approve the Fee Agreement, and any other agreement or document contemplated by this Resolution, in accordance with South Carolina law and the rules and procedures of the County Council, in order for the Fee Agreement and such other agreements or documents to be legally effective.

Section 3. 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.

Resolved this 6th day of June 2023.

COLLETON COUNTY, SOUTH CAROLINA



Phillip M. Taylor, Sr., Vice Chairman  
Colleton County Council

(SEAL)  
ATTEST:

  
Kaela Brinson, Clerk to Council  
Colleton County Council

COUNCIL VOTE: UNANIMOUS  
OPPOSED: