

Sponsor(s) : County Council  
Adopted : September 5, 2023  
Committee Referral : N/A  
Committee Consideration Date : N/A  
Committee Recommendation : N/A

**RESOLUTION NO. 23-R-55**

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

**[A RESOLUTION TO TERMINATE THE FEE-IN-LIEU OF TAX AGREEMENT BY AND BETWEEN COLLETON COUNTY, SOUTH CAROLINA AND SARLAFLEX, INC.]**

**WHEREAS**, Colleton County, South Carolina (the “County”), acting by and through its County Council (the “County Council”), is authorized and empowered under and pursuant to the provisions of Title 12, Chapter 44 of the Code of Laws of South Carolina 1976, as amended (the “FILOT Act”), to designate real and tangible personal property as “economic development property” and to enter into an arrangement which provides for payment in lieu of taxes, negotiated FILOT payments, for a project qualifying under the FILOT Act; and

**WHEREAS**, the County, acting by and through the County Council, is further authorized and empowered under and pursuant to the provisions of Title 4, Chapter 1 of the Code of Laws of South Carolina 1976, as amended (the “MCIP Act”) to provide for payments in lieu of taxes (“PILOT Payments”) with respect to property located in a multi-county business or industrial park created under the MCIP Act and to create, in conjunction with one or more other counties, a multi-county park in order to afford certain enhanced tax credits to such investors and to permit investors to claim special source credits against their PILOT Payments to reimburse such investors for expenditures for infrastructure serving Colleton County and improved or unimproved real estate and personal property, including machinery and equipment, used or to be used in the operation of manufacturing or commercial enterprise in order to enhance the economic development of Colleton County; and

**WHEREAS**, pursuant to the FILOT Act and the MCIP Act, the County Council previously authorized the entering into of a Fee-In-Lieu of Tax Agreement (the “FILOT Agreement”) by and between the County and Sarlaflex, Inc. (the “Company”), which FILOT Agreement was entered into as of July 1, 2013; and

**WHEREAS**, the FILOT Agreement requires compliance by the Company with certain conditions and sets forth certain events of default, pursuant to which the County may terminate the FILOT Agreement; and

**WHEREAS**, the Company is now in default under the FILOT Agreement; and

**WHEREAS**, the County Council have determined that termination of the FILOT Agreement is in the best interests of the County.

**NOW, THEREFORE, BE IT RESOLVED** by the Colleton County Council in meeting duly assembled:

Section 1. As an incident to the adoption of this Resolution, the County Council find that the facts set forth in the recitals hereof, as the preamble hereto, and the statements therein made, are true and correct.

Section 2. Authorization and Direction to Terminate FILOT Agreement. The County Council hereby authorize and direct the County Administrator and other members of the County's staff, upon the advice of counsel, to take all necessary action to terminate the FILOT Agreement.

Section 3. Governing Law. This Resolution shall be construed and interpreted in accordance with the laws of the State of South Carolina.

Section 4. Effective Date. This Resolution shall become effective immediately upon adoption by the County Council.

**DONE IN MEETING DULY ASSEMBLED** this 5<sup>th</sup> day of September, A.D. 2023.

ATTEST:

SIGNED:

  
Kaela Brinson, Council Clerk

  
Steven D. Murdaugh, Chairman

COUNCIL VOTE: UNANIMOUS  
OPPOSED: