

Sponsor(s) : County Council
Adopted : June 18, 2024
Committee Referral : N/A
Committee Consideration Date : N/A
Committee Recommendation : N/A

RESOLUTION NO. 24-R-40

COUNCIL-ADMINISTRATOR FORM OF GOVERNMENT FOR COLLETON COUNTY

[COMMITTING TO NEGOTIATE A FEE-IN-LIEU OF AD VALOREM TAXES AGREEMENT BETWEEN COLLETON COUNTY AND PROJECT SUN; IDENTIFYING THE PROJECT; AND OTHER MATTERS RELATED THERETO.]

WHEREAS, Colleton County, South Carolina (“County”), acting by and through its County Council (“County Council”) is authorized pursuant to the provisions of Title 12, Chapter 44, Code of Laws of South Carolina, 1976 (the “FILOT Act”) and Title 4, Chapter 1 and Chapter 29, Code of Laws of South Carolina, 1976, as amended (the “SSRC Statute”), to enter into agreements with any industry whereby the industry would pay fees-in-lieu-of taxes (“FILOT”) with respect to qualified projects, and to provide a special source revenue credit (“SSRC”) against such FILOT payments as reimbursement to industry for the costs of qualified infrastructure with respect to such projects; through which powers manufacturing and commercial enterprises are encouraged to locate in the State of South Carolina (“South Carolina” or “State”) or to encourage manufacturing and commercial enterprises now located in the State to expand their investments and thus make use of and employ the manpower, products, and other resources of the State by entering into an agreement with a sponsor, as defined in the FILOT Act, that provides for the payment of a fee-in-lieu of *ad valorem* tax (“FILOT Payments”) with respect to economic development property, as defined in the Act;

WHEREAS, Project Sun (“Sponsor”), desires to invest capital in the County in order to establish solar power generating facilities in the County (“Project”);

WHEREAS, the Project is anticipated to result in an investment of approximately \$80,000,000 in taxable real and personal property; and

WHEREAS, as an inducement to the Sponsor to locate the Project in the County, the Sponsor has requested that the County negotiate an agreement (“Agreement”), which provides for FILOT Payments and SSRCs with respect to the portion of the Project which constitutes economic development property, as defined in the Act.

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

Section 1. This Resolution is an inducement resolution for this Project for purposes of the Act.

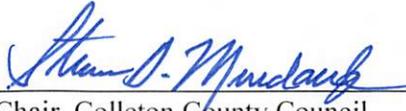
Section 2. County Council commits to negotiate with the Sponsor to enter into the Agreement on mutually agreeable terms, which provides for FILOT Payments with respect to the portion of the Project which constitutes economic development property and SSRCs to reduce such FILOT Payments to \$200,000 (or \$2,500 per megawatt of alternating current) for the first 10 years of the Agreement beginning on the commencement date (as that term is defined in the Agreement). The further details of the FILOT Payments and the agreement will be prescribed by subsequent ordinance of the County to be adopted in accordance with South Carolina law and the rules and procedures of the County.

Section 3. County Council identifies and reflects the Project by this Resolution, therefore permitting expenditures made in connection with the Project before the date of this Resolution to qualify as economic development property, subject to the terms and conditions of the Agreement and the Act.

Section 4. This Resolution is effective after its approval by the County Council.

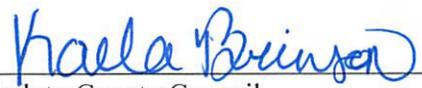
RESOLVED: June 18, 2024

COLLETON COUNTY, SOUTH CAROLINA



Chair, Colleton County Council

(SEAL)
ATTEST:



Clerk to County Council