

Sponsor(s) : County Council
Adopted : June 3, 2025
Committee Referral : N/A
Committee Consideration Date : N/A
Committee Recommendation : N/A

RESOLUTION NO. 25-R-33

COUNCIL-ADMINISTRATOR FORM OF GOVERNMENT FOR COLLETON COUNTY

[A Resolution Authorizing, Under Certain Conditions, the Execution and Delivery by Colleton County, South Carolina of a Fee in Lieu of Tax Agreement with One or More Related or Affiliated Legal Entities as Sponsors and as Sponsor Affiliated Identified by the County as Project Star with Respect to a Project in the County Whereby the Project Would be Subject to Payment of Certain Fees in Lieu of Taxes; and Whereby Project Star will be Provided Certain Credits Against the Fee Payments in Reimbursement of Investment in Related Qualified Infrastructure; and Providing for Related Matters.]

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 (the “*FILOT Act*”), Title 4, Chapter 1 (the “*Multi-County Park Act*”), Code of Laws of South Carolina 1976, as amended (the “*Code*”), to enter into agreements with industry, to offer certain privileges, benefits and incentives as inducements for economic development within the County; to acquire, or cause to be acquired, properties as may be defined as “projects” in the Act and to enter agreements with the business or industry to facilitate the construction, operation, maintenance and improvement of such projects; to enter into or allow financing agreements with respect to such projects; and to accept any grants for such projects through which powers the industrial and business development of the State will be promoted, whereby the industry would pay fees-in-lieu-of taxes with respect to qualified industrial projects; to provide credits against payment in lieu of taxes for reimbursement in respect of investment in certain infrastructure serving the County or the project, including improved or unimproved real estate and personal property, including machinery and equipment, used in the manufacturing or industrial enterprise (collectively, “*Infrastructure*”); through all such powers, the industrial development of the State of South Carolina (the “*State*”) will be promoted and trade developed by inducing manufacturing, industrial and commercial enterprises to locate or remain in the State and thus utilize and employ the manpower, products and resources of the State and benefit the general public welfare the County by providing services, employment, recreation or other public benefits not otherwise provided locally; and

WHEREAS, Project Star, including certain related or affiliated legal entities which may qualify as a sponsor under the FILOT Act and certain entities which may qualify as a sponsor affiliate under the FILOT Act (collectively, the “*Company*”), has requested that the County assist in the acquisition, construction and installation of land, buildings, improvements, fixtures, machinery, equipment, furnishings and other real and/or tangible personal property to locate an industrial facility in the County (collectively, the “*Project*”), which will result in expected investment by the Company in the Project of at least \$10,000,000 in non-exempt investment and the expected creation of an expected 20 new jobs in connection therewith, by December 31 of the fifth year after the first year in which any portion of the Project is first placed in service; and

WHEREAS, the Company has requested that the County enter into a fee in lieu of *ad valorem* taxes agreement with the Company, thereby providing for certain fee in lieu of *ad valorem* taxes and special source credit incentives with respect to the Project; and

WHEREAS, the County has determined on the basis of the information supplied to it by the Company that the Project would be a “project” and “economic development property” as such terms are defined in the FILOT Act and that the Project would serve the purposes of the FILOT Act; and

WHEREAS, pursuant to the authority of Section 4-1-170 of the Multi-County Park Act and Article VIII, Section 13 of the South Carolina Constitution (collectively, the “Multi-County Park Authority”), the County has previously placed the site on which the Project will be located in a multi-county industrial and business park (a “*Park*”) established by the County pursuant to qualifying agreement with an adjoining South Carolina county (the “*Park Agreement*”); and

WHEREAS, the County has determined and found, on the basis of representations of the Company, that the Project is anticipated to benefit the general public welfare of the County by providing services, employment, recreation or other public benefits not otherwise provided locally; that the Project will give rise to no pecuniary liability of the County or any incorporated municipality or a charge against the general credit or taxing power of either; that the purposes to be accomplished by the Project, *i.e.*, economic development, creation of jobs, and addition to the tax base of the County, are proper governmental and public purposes; that the inducement of the location of the Project within the County and State is of paramount importance; and that the benefits of the Project will be greater than the costs.

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

Section 1. (a) Pursuant to the authority given to County Council by the South Carolina Constitution, the Code, the FILOT Act and the Multi-County Park Act, and subject to the enactment of required legislative authorizations by the County Council, and for the purpose of 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, there is hereby authorized to be executed a fee in lieu of tax agreement (the “*FILOT Agreement*”) between the Company and the County. The FILOT Agreement shall provide an assessment ratio of 6% for Project property and the normal five-year investment period and a twenty-year term allowed under the FILOT Act. The millage rate for Project property for FILOT purposes shall be fixed for the term of the FILOT Agreement at the cumulative property tax millage rate levied on behalf of all taxing entities within which the Project is located as of June 30, 2025, which millage rate was 360.69 mills.

(b) Pursuant to the Multi-County Park Act, the County Council will use its best efforts to cause the site of the Project to be located in a Park. Pursuant to Section 4-1-175 of the Multi-County Park Act, and for the purpose of providing reimbursement to the Company for certain of its investment in qualified Infrastructure within the meaning and purposes of Section 4-29-68 of the Code, the FILOT Agreement shall provide for a special source tax credit against payments in lieu of taxes due pursuant to the FILOT Agreement in the following amounts: 20% in the first year, 15% in the second year and 10% in the third year.

Section 2. The provisions, terms and conditions of the FILOT Agreement shall be prescribed and authorized by subsequent ordinance(s) of the County Council, which, to the extent not prohibited by law, shall be consistent with the terms of this Resolution.

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.

Section 4. The authorization of the execution and delivery of the documents related to the FILOT Agreement and all other related documents or obligations of the County is subject to the compliance by the County Council with the provisions of the Home Rule Act regarding the procedural requirements for adopting ordinances and resolutions.

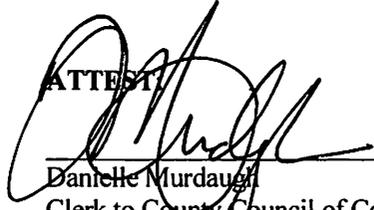
Section 5. It is the intention of the County Council that this Resolution shall constitute an inducement resolution with respect to the Project, within the meaning of the FILOT Act.

DONE in meeting duly assembled this 3rd day of June, 2025.

COLLETON COUNTY, SOUTH CAROLINA



Scott Biering, Chairman of County Council

ATTEST


Danielle Murdaugh
Clerk to County Council of Colleton County, South Carolina