

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING, UNDER CERTAIN CONDITIONS, THE EXECUTION AND DELIVERY BY GREENVILLE COUNTY, SOUTH CAROLINA OF A FEE IN LIEU OF TAX AGREEMENT WITH PROJECT GHOST WITH RESPECT TO AN INDUSTRIAL PROJECT IN THE COUNTY WHEREBY THE PROJECT WOULD BE SUBJECT TO PAYMENT OF CERTAIN FEES IN LIEU OF TAXES, AND WHEREBY PROJECT GHOST WILL BE PROVIDED CERTAIN CREDITS AGAINST FEE PAYMENTS IN REIMBURSEMENT OF INVESTMENT IN RELATED QUALIFIED INFRASTRUCTURE; AND PROVIDING FOR RELATED MATTERS.

WHEREAS, Greenville 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 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 Ghost (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 constitute solar energy facilities in the County (each a “Project”), which will result in expected investment by the Company in each Project of approximately \$3,250,000.00, but not less than \$2,600,000.00 in non-exempt investment by December 31 of the fifth year after the first year which any portion of the Project is first placed in service; and

WHEREAS, Project Ghost consists of the following Projects:

- An investment of not less than \$ 2,600,000 (“*Project White Horse A*”);
- An investment of not less than \$ 2,600,000 (“*Project White Horse B*”);
- An investment of not less than \$ 2,600,000 (“*Project Berry Road*”);
- An investment of not less than \$ 2,600,000 (“*Project Gedosch Solar*”).

WHEREAS, the Company has requested that the County enter into fee in lieu of tax agreements with the Company, thereby providing for certain fee in lieu of tax and infrastructure credit incentives with respect to each Project; and

WHEREAS, the County has determined on the basis of the information supplied to it by the Company that each Project would be a “project” and “economic development property” as such terms are defined in the FILOT Act and that each 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 intends to place the sites on which the Projects 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 Projects are 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 Projects 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 Projects, *i.e.*, economic development and addition to the tax base of the County, are proper governmental and public purposes; that the inducement of the location of the Projects within the County and State is of paramount importance; and that the benefits of the Projects will be greater than the costs; and the County has agreed to effect the delivery of an Inducement Agreement on the terms and conditions hereinafter set forth.

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 the partner county in connection with the Park Agreement), and for the purpose of providing development incentives for the Projects through the payment by the Company of fees in lieu of taxes with respect to the Projects pursuant to Section 12-44-40 of the Act, there is hereby authorized to be executed fee in lieu of tax agreements (the “FILOT Agreements”) between the Company and the County. The FILOT Agreements shall provide an assessment ratio of 6% for Project property, a minimum annual fee payment of \$8,000 for each Project, and the normal investment period and a 20-year term allowed under the FILOT Act. The millage rate for Project property for FILOT purposes shall be fixed at the cumulative property tax millage rate levied on behalf of all taxing entities within which the applicable Project is located as of June 30, 2019 in accordance with the FILOT Act.

(b) Pursuant to the Multi-County Park Act, the County Council will use its best efforts to cause the site of each 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, each FILOT Agreement shall provide for a special source tax credit against payments in lieu of taxes in the amounts set forth in the applicable Fee Agreement.

Section 2. The provisions, terms and conditions of the FILOT Agreements 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 Agreements 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 each Project, within the meaning of the FILOT Act.

DONE in meeting duly assembled this __th day of June, 2019.

**GREENVILLE COUNTY, SOUTH
CAROLINA**

(SEAL)

By: _____
Chairman, Greenville County Council

By: _____
Greenville County Administrator

ATTEST:

By: _____
Clerk to County Council,
Greenville County, South Carolina