

RESOLUTION NO. 2023-09

AN INDUCEMENT RESOLUTION IDENTIFYING A PROJECT TO SATISFY THE REQUIREMENTS OF TITLE 12, CHAPTER 44 OF THE SOUTH CAROLINA CODE, SO AS TO ALLOW INVESTMENT EXPENDITURES INCURRED BY ONE OR MORE COMPANIES KNOWN TO THE COUNTY AT THIS TIME, COLLECTIVELY, AS PROJECT SIERRA FOXTROT, ACTING FOR ITSELF OR ONE OR MORE SUBSIDIARIES, AFFILIATES, SUCCESSORS, ASSIGNS, LESSORS OR OTHER PROJECT SPONSORS, TO QUALIFY AS EXPENDITURES ELIGIBLE FOR A FEE-IN-LIEU OF *AD VALOREM* TAXES ARRANGEMENT WITH PICKENS COUNTY, SOUTH CAROLINA; PROVIDING FOR ANY OTHER NECESSARY AGREEMENTS WITH THE COMPANY TO EFFECT THE INTENT OF THIS RESOLUTION; AND OTHER MATTERS RELATED THERETO.

**WHEREAS**, Pickens County, South Carolina (the “*County*”), acting by and through its County Council (the “*Council*”), is authorized and empowered under and pursuant to the provisions of Title 12, Chapter 44 Code of Laws of South Carolina 1976, as amended (the “*Fee Act*”), to enter into agreements with any industry whereby the industry would pay fees-in-lieu-of taxes with respect to qualified projects; through which powers the 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 of the County by providing services, employment, recreation or other public benefits not otherwise provided locally;

**WHEREAS**, the County is recruiting an investment in the County by one or more companies known to the County at this time, collectively, as Project Sierra Foxtrot, on its or their own or together with one or more of its or their subsidiaries, affiliates, successors, assigns, sponsors, lessors, and others (collectively, the “*Company*”), through the establishment and/or expansion of a manufacturing facility within the County (the “*Project*”);

**WHEREAS**, the Council, in order to induce the Company to locate the Project in the County, has committed to the Company that the Council will take certain actions and provide certain incentives, including, but not limited to, entering into fee-in-lieu of taxes (“*FILOT*”) agreement and, upon the agreement of an adjoining county, the location of the site of the Project within a multi-county industrial/business park pursuant to Title 4, Chapter 1 of the Code of Laws of South Carolina 1976, as amended, and Article VIII, Section 13(D) of the South Carolina Constitution, which incentives provide certain benefits to the Company, if the Company locates the Project in the County;

**WHEREAS**, it is anticipated that the Project will represent an investment of not less than \$33,060,000, in the aggregate, in the County (without regard to whether some or all of the investment is included in a FILOT arrangement);

**WHEREAS**, the County has determined and found after considering all relevant factors and criteria as prescribed by law (with assistance, to the extent needed, from the South Carolina

Department of Revenue and/or Board of Economic Advisors) 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 gives 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 or expansion 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; 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” as that term is defined in the Fee Act and that the Project would serve the purposes of the Fee Act.

**NOW, THEREFORE, BE IT RESOLVED** by the Pickens County Council, in meeting duly assembled, that, if the Company locates the Project in the County and creates the investment indicated above:

1. The Council, upon request by the Company, hereby agrees to enter into one or more agreements under the Fee Act that will provide the Company with the benefits allowed pursuant to a FILOT agreement for twenty years for each component of the Project placed in service during the standard “Investment Period” (as that term is defined in the Fee Act), with the calculation of the FILOT thereunder on the basis of a fixed assessment ratio of 6%, and a millage rate fixed at the applicable millage rate at the Project site as of June 30, 2023, which the parties hereto believe to be 262.1 mills.
2. The County will use its best efforts to insure that the Project will be included, and will remain, within the boundaries of a multi-county industrial park created pursuant to the provisions of the Title 4, Chapter 1 of the Code of Laws of South Carolina 1976, as amended, and Article VIII, Section 13(D) of the South Carolina Constitution.
3. The Council agrees to provide the Company with the most favorable provisions allowable under the Fee Act for a project of this size with respect to the disposal and replacement of property.
4. To the extent permitted by the Fee Act, the Council agrees to waive the recapitulation requirements set forth in the Fee Act, to the extent that and so long as the Company provides the County with copies of all filings and reports which the Company is required to make under the Fee Act during the term of any FILOT agreement entered into by and between the County and the Company with respect to the Project.
5. The Council agrees to enter into and execute the appropriate agreements and other documents to implement the provisions of this Resolution and such other provisions as the Company may request consistent with this Resolution and such applicable statutes.

6. 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 Council.

APPROVED AND ADOPTED IN A MEETING this 6th day of March 2023.

PICKENS COUNTY, SOUTH CAROLINA

By: 

Chris Bowers  
Chairman, County Council

[SEAL]

Attest:

By: 

Meagan Nations  
Clerk to County Council