

## ORDINANCE NO. 22-02

**AN ORDINANCE TO APPROVE AN EXTENSION AND AMENDMENT BY DORCHESTER COUNTY, SOUTH CAROLINA AND ROBERT BOSCH, LLC WITH RESPECT TO CERTAIN ECONOMIC DEVELOPMENT PROPERTY IN THE COUNTY, INCLUDING THE EXTENSION OF A FEE AGREEMENT AND AN SPECIAL SOURCE TAX CREDIT PURSUANT TO THE PROVISIONS OF SOUTH CAROLINA CODE ANNOTATED, SECTION 12-44-10 ET SEQ, CODE OF LAWS OF SOUTH CAROLINA 1976, AS AMENDED; AND OTHER MATTERS RELATED THERETO.**

**WHEREAS, DORCHESTER 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 Title 4, Chapter 1, and Title 4, Chapter 29, of the Code of Laws of South Carolina 1976, (jointly hereinafter the "*Act*") as the same may be amended, to enter into agreements with industry whereby the industry would pay fees-in-lieu-of taxes with respect to qualified projects; to provide infrastructure credits against payment in lieu of taxes for reimbursement in respect of investment in certain infrastructure enhancing the economic development of the County; 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 of the County by providing services, employment, recreation or other public benefits not otherwise provided locally; and

**WHEREAS,** pursuant to the Act, and in order to induce investment in the County, the County did previously enter into an Inducement Agreement dated October 18, 2021 (the "*Inducement Agreement*") with Robert Bosch, LLC (the "*Company*"), with respect to the acquisition, construction, and installation of land, buildings, improvements, fixtures, machinery, equipment, furnishings and other real and/or tangible personal property to constitute an expansion of the Company's existing facilities in the County for the manufacture and distribution of automotive and marine equipment (collectively, the "*Project*"); and

**WHEREAS,** the Company has represented that the Project will involve an investment of approximately \$75,000,000 in the County and the expected creation of approximately 100 new, full-time jobs at the Project, all within the Investment Period (as such term is defined in the hereinafter defined Fee Agreement; 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 Act, and that the Project would serve the purposes of the Act; and

**WHEREAS,** pursuant to the authority of Section 4-1-170 of the Act and Article VIII, Section 13 of the South Carolina Constitution, the County has caused the Project to be placed in a joint county industrial and business park such that the Project will receive the benefits of the Multi-County Park Act; and

**WHEREAS,** pursuant to the Inducement Agreement, the County has agreed to, among other things, (a) enter into an extension of the Fee in Lieu of Tax and Special Source Credit Agreement between the Company and the County dated as of December 5, 2016 (the "*Fee Agreement*"), whereby the County would provide an extension therein for a investment and payment of a fee-in-lieu-of taxes by the Company with respect to the Project, and (b) provide for the extension of certain special source credits to be claimed by the Company against its payments of fees-in-lieu-of taxes with respect to the Project pursuant to Section 4-1-175 of the Multi-County Park Act; and

**WHEREAS**, the County Council has caused to be prepared and presented to this meeting the form of the Extension Agreement to extend the Fee Agreement which the County proposes to execute and deliver; and

**WHEREAS**, it appears that the documents above referred to, which are now before this meeting, are in appropriate form and are an appropriate instrument to be executed and delivered or approved by the County for the purposes intended;

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

Section 1. Based on information supplied by the Company, it is hereby found, determined and declared by the County Council, as follows:

(a) The Project will constitute a “project” and “economic development property” as said terms are referred to and defined in the Act, and the County’s actions herein will subserve the purposes and in all respects conform to the provisions and requirements of the Act;

(b) 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;

(c) 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;

(d) 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; and

(e) The benefits of the Project are anticipated to be greater than the costs.

Section 2. The form, terms and provisions of the Extension Agreement presented to this meeting are hereby approved and all of the terms and provisions thereof are hereby incorporated herein by reference as if the Extension Agreement is set out in this Ordinance in its entirety. The Chairman of County Council and/or the County Administrator are hereby authorized, empowered and directed to execute, acknowledge and deliver the Extension Agreement in the name of and on behalf of the County, and the Clerk to County Council is hereby authorized and directed to attest the same, and thereupon to cause the Extension Agreement to be delivered to the Company and cause a copy of the same to be delivered to the Dorchester County Auditor, Assessor and Treasurer. The Extension Agreement is to be in substantially the form now before this meeting and hereby approved, or with such minor changes therein as shall be approved by the County Administrator, upon advice of counsel, his execution thereof to constitute conclusive evidence of his approval of any and all changes or revisions therein from the form of Extension Agreement now before this meeting.

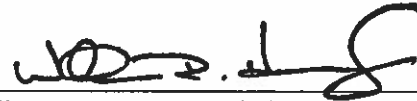
Section 3. The Chairman of County Council, the County Administrator and the Clerk to County Council, for and on behalf of the County, are hereby authorized and directed to do any and all things necessary to affect the execution and delivery of the Fee Agreement and the performance of all obligations of the County thereunder.

Section 4. The provisions of this ordinance are hereby declared to be separable and if any section, phrase or provisions shall for any reason be declared by a court of competent jurisdiction to be invalid or unenforceable, such declaration shall not affect the validity of the remainder of the sections, phrases and provisions hereunder.

Section 5. All ordinances, resolutions, and parts thereof in conflict herewith are, to the extent of such conflict, hereby repealed. This ordinance shall take effect and be in full force from and after its passage by the County Council.

**ENACTED** in meeting duly assembled this 7<sup>th</sup> day of February, 2022.

**DORCHESTER COUNTY, SOUTH CAROLINA**



William R. Hearn, Jr., Chairman  
Dorchester County Council



Jason L. Ward, County Administrator

Attest:




Tracey L. Langley, Clerk to County Council  
Dorchester County, South Carolina

First Reading: October 18, 2021  
Second Reading: November 15, 2021  
Third Reading: February 07, 2022  
Public Hearing: February 07, 2022

**STATE OF SOUTH CAROLINA**

**COUNTY OF DORCHESTER**

I, the undersigned Clerk to County Council of Dorchester County, South Carolina, do hereby certify that attached hereto is a true, accurate and complete copy of an ordinance which was given reading, and received unanimous approval, by the County Council at its meetings of October 18, 2021, November 15, 2021, and February 07, 2022, at which meetings a quorum of members of County Council were present and voted, and an original of which ordinance is filed in the permanent records of the County Council.

  
\_\_\_\_\_  
Tracey L. Langley, Clerk to County Council  
Dorchester County, South Carolina

Dated: February 07, 2022