

DATE 01.28.2026

Shanita Brannen
CLERK OF COURT
CLARENDON COUNTY, SC

STATE OF SOUTH CAROLINA)
COUNTY OF CLARENDON)

ORDINANCE NO. 2025-15

AUTHORIZING THE FIRST AMENDMENT OF THAT CERTAIN FEE IN LIEU OF TAX AND INCENTIVE AGREEMENT BY AND BETWEEN CLARENDON COUNTY, SOUTH CAROLINA AND SANTEE ELECTRIC COOPERATIVE, INC., RELATING TO, WITHOUT LIMITATION, THE PROVISION OF SPECIAL SOURCE REVENUE CREDITS; AND PROVIDING FOR OTHER RELATED MATTERS.

WHEREAS, Clarendon County, South Carolina ("County"), acting by and through its County Council ("County Council") is authorized by Title 12 and Chapter 44 of the Code of Laws of South Carolina 1976, as amended (collectively "Act"), and Article VIII, Section 13 of the South Carolina Constitution to enter into agreements with qualifying companies to encourage investment in projects constituting economic development property through which the economic development of the State of South Carolina ("State") will be promoted by inducing new and existing manufacturing and commercial enterprises to locate and remain in the State and thus utilize and employ manpower and other resources of the State and to covenant with such industry to accept certain fee payments in lieu of *ad valorem* taxes ("FILOT") with respect to such investment ("FILOT Payments");

WHEREAS, pursuant to Title 4, Section 1, of the Code of Laws of South Carolina, 1976, as amended ("MCIP Act"), the County is authorized (i) to develop multi-county industrial or business parks in partnership with counties having contiguous borders with the County, (ii) to include within the boundaries of such parks the property of eligible companies; and (iii) further to grant credits against FILOT payments made by qualifying companies to offset qualifying infrastructure related expenditures ("Special Source Revenue Credits") pursuant to Section 4-1-175, 4-29-68, and 12-44-70 of the Code of Laws of South Carolina 1976 as amended ("Infrastructure Credit Act");

WHEREAS, under the authority provided in the MCIP Act, the County has created a multi-county industrial or business park with Sumter County, South Carolina ("Park") through that certain Master Agreement Governing the Sumter-Clarendon Industrial Park, dated as of December 31, 2010, as amended ("Park Agreement");

WHEREAS, pursuant to Ordinance #2021-07 adopted by the County Council on November 8, 2021, the County entered into a Fee Agreement with Santee Electric Cooperative, Inc. ("Company") ("Fee Agreement"), whereby the County provided therein for a payment of a fee-in-lieu-of *ad valorem* taxes with respect to the Company's planned investment in commercial and related facilities in the County ("Project");

WHEREAS, the Company has caused to be prepared and presented to this meeting the form of an amendment to the Fee Agreement, attached hereto as **Exhibit A** ("First Amendment"), which is reflective of the amendments to the Fee Agreement requested by the Company and which the County proposes to authorize, approve, execute and deliver to the Company; and

WHEREAS, it appears that the First Amendment above referred to, which is now before this meeting, is in appropriate form and is an appropriate instrument to be authorized, approved executed and delivered by the County for the purposes intended.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNTY COUNCIL OF CLARENDON COUNTY, SOUTH CAROLINA, IN MEETING DULY ASSEMBLED:

Section 1. Statutory Findings and Determinations. Solely based on information provided to the County by the Company, the County hereby finds and determines that the terms of the First Amendment would directly and substantially benefit the general public welfare of the County by inducing the Company to make further investment in the County, thereby providing for the increase of the *ad valorem* tax base of

the County, and service, employment or other public benefits not otherwise provided locally; that the terms of the First Amendment gives rise to no pecuniary liability of the County or incorporated municipality or a charge against the general credit or taxing power of either; that the purposes to be accomplished by the terms of the First Amendment, i.e., economic development, and addition to the tax base of the County, are proper governmental and public purposes; and the inducement of continued utilization of the Project which is located in the County and State are of paramount importance and the benefits of the terms of the First Amendment will be greater than the costs.

Section 2. Approval of First Amendment. The First Amendment is approved as follows:

(a) The form, terms, and provisions of the First Amendment presented to this meeting and filed with the Clerk to County Council ("Clerk") are approved and all of the terms, provisions, and conditions of the First Amendment are incorporated by reference. The Chairman of the County Council ("Chairman") and the Clerk are authorized, empowered, and directed to execute, acknowledge, and deliver the First Amendment in the name of the County. The Chairman and the Clerk are further authorized, empowered, and directed to cause the First Amendment to be delivered to the Company.

(b) The First Amendment to be executed on behalf of the County shall be in substantially the form now before the County Council and shall include only changes that are approved by the County officials executing the First Amendment. The County officials shall first consult counsel to the County ("County Attorney") with respect to any changes to the First Amendment. The execution of the First Amendment by the County officials shall constitute conclusive evidence that they have approved all changes to or revisions of the First Amendment now before this meeting.

(c) If under the First Amendment or the Act any future actions of the Company (including, without limitation, the supplementation of the exhibits thereto and/or any assignments of the Project) require the approval of the County, such approval can be given on behalf of the County by the Chairman or the Clarendon County Administrator ("County Administrator") upon affirmative resolution of the County Council to the extent permitted by law. The County officials shall first consult the County Attorney with respect to such approval. The execution of a written approval by County officials shall constitute conclusive evidence that the County has approved the respective actions of the Company.

Section 3. Execution of First Amendment. The Chairman, the County Administrator, and the Clerk are each authorized and directed to do all things reasonably necessary to effect the execution and delivery of the First Amendment and the County's performance of its obligations under the First Amendment.

Section 4. Inclusion and Maintenance of Project in Park. The expansion of the Park boundaries is hereby authorized as part of the County's normal expansion procedures to include the Project Property, as described on the attached **Exhibit A**. The County Council shall ensure that the Project is incorporated into and will remain in the Park (or a successor multi-county industrial or business park) for no less than the term of the Fee Agreement.

Section 5. Severability. The provisions of this Ordinance are declared to be separable. If any section, phrase, or provision shall be declared by a court of competent jurisdiction to be invalid or unenforceable for any reason, the remaining sections, phrases, and provisions of the Ordinance shall remain valid.

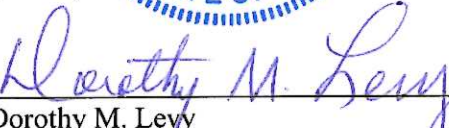
Section 6. Repeal of Conflicting Ordinances. All orders, resolutions, and other ordinances in conflict with this Ordinance are repealed to the extent of such conflict.

Section 7. Effective Date. This Ordinance is effective after the public hearing and third reading.

[ONE SIGNATURE PAGE AND ONE EXHIBIT FOLLOW]
[REMAINDER OF PAGE SUBSTANTIVELY BLANK]



(SEAL)


Dorothy M. Levy
Clerk to Council, Clarendon County Council

CLARENDON COUNTY, SOUTH CAROLINA

By: 
John E. Johnson, III, Chairman
Clarendon County Council

First Reading:	November 10, 2025
Second Reading:	December 8, 2025
Public Hearing:	December 8, 2025
Third Reading:	January 12, 2026

EXHIBIT A
FIRST AMENDMENT