

RESOLUTION NO.: 2000-051

*Authorizing execution of an SCEZ Intergovernmental Agreement  
for allocation of authority to designate and approve Empowerment Zone Bonds*

BE IT RESOLVED by the Mayor and City Council of the City of Columbia, South Carolina, this 20th day of September, 2000 that the Mayor and City Clerk are hereby authorized to execute the attached SCEZ Intergovernmental Agreement for allocation of authority to designate and approve Empowerment Zone Bonds.

ORIGINAL  
STAMPED IN REC.

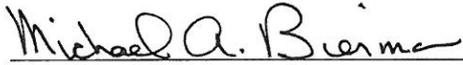
Requested by:

\_\_\_\_\_



Mayor

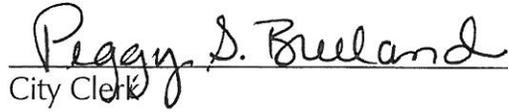
Approved by:



City Manager

ATTEST:

Approved as to form:



City Clerk



City Attorney

Introduced: 9/20/2000

Final Reading: 9/20/2000

**INTERGOVERNMENTAL AGREEMENT** by and among the City of Sumter, South Carolina ("City of Sumter"), the City of Columbia, South Carolina ("City of Columbia," and together with City of Sumter, the "Cities") Richland County, South Carolina ("Richland County") and Sumter County, South Carolina ("Sumter County", and, together with Richland County, the "Counties"), dated as of April \_\_, 2000.

WHEREAS, approximately eighteen square miles within the Cities and unincorporated portions of the Counties were designated an "urban empowerment zone" (the "Columbia/Sumter Empowerment Zone") by the Secretary of the United States Department of Housing and Urban Development under Section 1391 of the Internal Revenue Code of 1986, as amended (the "Code");

WHEREAS, under Section 1394 of the Code, the local government that nominated the area for inclusion in an empowerment zone may designate up to \$130,000,000 in tax-exempt empowerment zone bonds (the "Empowerment Zone Bonds") under Section 1394(f)(2) of the Code in order to provide an "enterprise zone business" with "qualified zone property" (as such terms are defined in the Code);

WHEREAS, such Empowerment Zone Bonds may be issued for projects which further the purposes of the strategic plan prepared by the parties hereto for the Columbia/Sumter Empowerment Zone;

WHEREAS, Section 147(f) of the Code requires certain private activity bonds be approved by the applicable elected representative of certain governmental units in order for the interest on such bonds to qualify for exclusion from gross income for federal income tax purposes;

WHEREAS, Section 147(f)(2)(E) of the Code allows any governmental unit to designate its "applicable elected representative" to make such approval;

WHEREAS, Section 6-1-20 of the South Carolina Code of Laws of 1976, as amended (the "S.C. Code"), the statutory authority for joint action by political subdivisions, provides that counties and municipalities may enter into contractual agreements with each other to provide joint public facilities and services when considered mutually desirable;

WHEREAS, the area included in the Columbia/Sumter Empowerment Zone was nominated jointly by the Cities and the Counties;

WHEREAS, City of Columbia wants to be responsible for designations and approvals of Empowerment Zone Bonds for enterprise zone businesses to be located in Columbia or in unincorporated Richland County, and City of Sumter wants to be responsible for designations and approvals of Empowerment Zone Bonds for enterprise zone businesses to be located in Sumter or in unincorporated Sumter County;

WHEREAS, the City Council of each of the Cities and the County Council of each of the Counties has determined that it would be in their best interests, acting pursuant to the provisions of Section 6-1-20 of the S.C. Code, to enter into an Intergovernmental Agreement allocating the sole authority to designate a portion of the Empowerment Zone Bonds to the governing body of the City with whom the enterprise zone business will be most closely associated; and

WHEREAS, the City Council of Columbia enacted a resolution approving the execution and delivery of this Intergovernmental Agreement on April \_\_, 2000, the City Council of Sumter enacted a resolution approving the execution and delivery of this Intergovernmental Agreement on April \_\_, 2000, the County Council of Richland County enacted an ordinance approving the execution and delivery of this Intergovernmental Agreement on April \_\_, 2000, and the County Council of Sumter County enacted

an ordinance approving the execution and delivery of this Intergovernmental Agreement on April \_\_, 2000.

**NOW, THEREFORE, BE IT AGREED BY THE PARTIES HERETO AS FOLLOWS:**

Section 1.01. Allocation of Authority to Designate and Approve Empowerment Zone Bonds.

The City Council of City of Columbia, acting alone, shall have the sole authority to designate up to \$91,000,000 in aggregate principal amount of the Empowerment Zone Bonds for enterprise zone businesses located in the City of Columbia or in unincorporated Richland County, and the City Council of City of Sumter, acting alone, shall have the sole authority to designate up to \$39,000,000 in aggregate principal amount of the Empowerment Zone Bonds for enterprise zone businesses located in the City of Sumter or in unincorporated Sumter County. Each City may determine its own procedure to evidence the designation of any Empowerment Zone Bonds. Each City designating any Empowerment Zone Bonds will promptly notify the City Manager of the other City and the County Administrator of each County of such designation, but failure of either City to so notify the other parties hereto will not invalidate any such designation.

City of Sumter and Sumter County hereby designate the City Manager of the City of Sumter, or, in his absence the Acting City Manager, as their applicable elected representatives for purposes of approving, for purposes of Section 147(f) of the Code, Empowerment Zone Bonds issued for enterprise zone businesses located in City of Sumter or unincorporated Sumter County.

City of Columbia and Richland County hereby designate the City Manager of the City of Columbia, or, in his absence the Acting City Manager, as their applicable elected representatives for purposes of approving, for purposes of Section 147(f) of the Code, Empowerment Zone Bonds issued for enterprise zone businesses located in City of Columbia or unincorporated Richland County.

Section 2.01 Term.

The term of this Agreement shall be ten years from the date hereof. The parties to this agreement hereby agree that, upon the expiration of this Agreement, they shall negotiate in good faith to extend or replace this Agreement for any remaining term of the Columbia/Sumter Empowerment Zone.

Section 3.01 Amendments.

None of the terms or provisions of this Agreement may be waived, amended, supplemented, or otherwise modified except by a written instrument duly approved by and executed on behalf of each of the parties hereto.

Section 4.01 Severability.

Each provision of this Agreement shall be considered severable, and if for any reason any provision or provisions hereof are determined to be invalid and contrary to any existing or future law, such invalidity shall not impair the operation of or affect those portions of this Agreement that are valid.

Section 5.01 Counterparts.

This Agreement may be executed in one or more counterparts, each of which shall be deemed an original and all of which, taken together, shall constitute one and the same instrument.

Section 6.01 Integration.

This Agreement constitutes the entire agreement between the parties hereto pertaining to the subject matter hereof and supersedes all prior and contemporaneous agreements and understandings of the parties in connection herewith. No oral covenant, representation, or condition shall affect, or be effective to interpret, change, or restrict, the express provisions of this Agreement.

Section 7.01 Effective Date.

This Agreement shall become effective immediately upon the execution and delivery hereof by each of the parties hereto.

[SEAL]

CITY OF SUMTER, SOUTH CAROLINA

By:

Stephen M. Creech  
Mayor  
City of Sumter

Attest:

Kinda D. Hammett  
City Clerk, City of Sumter

[SEAL]

CITY OF COLUMBIA, SOUTH CAROLINA

By:

Bill  
Mayor  
City of Columbia

Attest:

Peggy S. Beeland  
City Clerk, City of Columbia

[SEAL]

RICHLAND COUNTY, SOUTH CAROLINA

By:

Kit Smith  
Chairman, County Council

Attest:

Michelle Brown Smith  
Clerk to Council

[SEAL]

SUMTER COUNTY, SOUTH CAROLINA

By:

James D. Campbell  
Chairman, County Council

Attest:

Mary Louise Blandiney  
Clerk to Council

Richland County Attorney's Office

[Signature]  
APPROPRIATE LEGAL FORM ONLY.  
NO OPINION RENDERED AS TO CONTENT.



CITY OF COLUMBIA  
SOUTH CAROLINA

OFFICE OF THE CITY ATTORNEY / POST OFFICE BOX 667 / COLUMBIA, SC 29202 / (803) 737-4242 / FAX (803) 737-4250

FAX TRANSMITTAL SHEET

TO: John Vanduy, Esquire FAX #: 765-1243

FROM: **Shari Lynn Ardis**  
**Legal Admin. Coordinator**

DATE: Aug 19, 2004

RE: JCE Agreement

four (4) Pages to follow. Please call me at 737-4242 if all are not received.

COMMENTS:

*TD: Erika -  
Please attach agreement  
to resolution.*

THE INFORMATION CONTAINED IN THIS FACSIMILE MESSAGE IS PRIVILEGED AND CONFIDENTIAL ATTORNEY INFORMATION INTENDED ONLY FOR THE USE OF THE ADDRESSEE. PERSONS RESPONSIBLE FOR DELIVERING THIS COMMUNICATION TO THE INTENDED RECIPIENT ARE HEREBY NOTIFIED NOT TO READ THE ATTACHED AND THAT ANY DISSEMINATION, DISTURBANCE OR COPYING OF THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE, AND PLEASE RETURN THE ORIGINAL MESSAGE TO US VIA THE U.S. POSTAL SERVICE.