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**JASPER COUNTY COUNCIL**

**VIRTUAL MEETING**

Jasper County Clementa C. Pinckney Government Bldg  
358 3<sup>rd</sup> Avenue Ridgeland, SC 29936

**August 30, 2021**

**AGENDA**

**8:30 A.M.**

**I. Call to Order by Chairwoman Barbara B. Clark**

*Clerk's Report of Compliance with the Freedom of Information Act.*

**II. Approval of the Agenda**

**III. Resolution:**

**A: Andrew Fulghum - Resolution authorizing and adopting the terms of the first amendment to that certain agreement between Jasper County and the South Carolina State Ports Authority regarding the Jasper Port site, and authorizing the County Administrator and County Attorney to perform certain tasks related thereto.**

**IV. Adjourn**

**\*Council may act on any item appearing on the agenda.**

In accordance with South Carolina Code of Laws, 1976, Section 30-4-80(d), as amended, notification of the meeting was posted on the County Council Building at a publicly accessible place and on the county website at least 24 hours prior to the meeting. A copy of the agenda was given to the local news media and posted at the meeting location twenty-four hours prior to the meeting.

***Special Accommodations Available Upon Request to Individuals with Disabilities*  
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# AGENDA ITEM:

## III

### Resolution

**STATE OF SOUTH CAROLINA  
JASPER COUNTY**

**RESOLUTION NUMBER 2021 -18**

**RESOLUTION OF JASPER COUNTY COUNCIL**

**RESOLUTION AUTHORIZING AND ADOPTING THE TERMS OF THE FIRST AMENDMENT TO THAT CERTAIN AGREEMENT BETWEEN JASPER COUNTY AND THE SOUTH CAROLINA STATE PORTS AUTHORITY REGARDING THE JASPER PORT SITE, AND AUTHORIZING THE COUNTY ADMINISTRATOR AND COUNTY ATTORNEY TO PERFORM CERTAIN TASKS RELATED THERETO**

**WHEREAS**, by Agreement made and executed on February 23, 2021 by the Jasper County Administrator and the Ports Authority's President and Chief Executive Officer, and subsequently ratified by Jasper County Council on March 1, 2021, and the Ports Authority on March 16, 2021 (the "March 16th Agreement"), certain terms and conditions were agreed upon by the parties; and

**WHEREAS**, the March 16<sup>th</sup> Agreement contemplated the creation and execution of an assignment and assumption agreement through which the Ports Authority assigns all of its rights, interests, duties, and obligations under that certain Joint Venture Agreement executed between the SCSPA and the Georgia Ports Authority (:GPA") in 2015 ("JVA") to Jasper County, and Jasper County assumes and accepts all of the Ports Authority's rights, interests, duties, and obligations under the JVA and agrees to fully enjoy and discharge those rights, interests, duties, and obligations. including but not limited to Ports Authority's interest in the Jasper Port Site; and

**WHEREAS**, in furtherance of the March 16<sup>th</sup> Agreement, an Assignment and Assumption Agreement was prepared and presented for approval to both Jasper County and the SCSPA, and the Assignment and Assumption Agreement was executed on March 26, 2021; and

**WHEREAS**, in accordance with the terms of the JVA, the effectiveness of the Assignment and Assumption Agreement and its terms and conditions are subject to the express written consent of GPA as required by Section 17(b) of the JVA; and

**WHEREAS**, the Assignment and Assumption Agreement and the March 16<sup>th</sup> Agreement were transmitted to the Chairman of the GPA on March 26, 2021, with a request for the GPA to provide its written consent, pursuant to Section 17(b) of the JVA; and

**WHEREAS**, the March 16<sup>th</sup> Agreement provided that the approvals and consents of Jasper County, the SCSPA, and GPA must be received no later than September 1, 2021; and

**WHEREAS**, the GPA, by letter dated August 12, 2021, informed Jasper County and SCSPA that it was not prepared to officially either offer or withhold its consent to the proposed assignment by SCSPA to Jasper County of SCSPA's interests in the JVA, and requested an extension beyond September 1, 2021 of that deadline; and

**WHEREAS**, through negotiations with the SCSPA, the Jasper County Administrator and County Attorney have obtained a proposed amendment to the March 16<sup>th</sup> Agreement to extend the deadline to January 31, 2022, for consideration by County Council, entitled “FIRST AMENDMENT TO THAT CERTAIN AGREEMENT BETWEEN JASPER COUNTY AND THE SOUTH CAROLINA STATE PORTS AUTHORITY” (“First Amendment”), a copy of which is attached hereto as “Exhibit ‘A’”; and

**WHEREAS**, Jasper County Council has examined the terms and conditions negotiated as contained in the First Amendment; and

**WHEREAS**, Council finds it to be in the best interests of its citizens to approve and adopt the First Amendment, authorize its execution by the County Administrator on behalf of the County, and authorize such other and further actions necessary to implement the approval, adoption, execution and delivery of the First Amendment;

**NOW THEREFORE, BE IT RESOLVED** by Jasper County Council, in the council duly assembled and by the authority of the same, that Jasper County Council:

1) adopts the foregoing premises as findings of the Council, and likewise adopts the findings and premises of the attached First Amendment as findings of Council;

2) approves and adopts the First Amendment, and authorizes the County Administrator to execute the same on behalf of Jasper County, and deliver such executed copy to the SCSPA; and

3) directs the County Administrator and the County Attorney to undertake such other actions as are necessary to continue to implement the March 16<sup>th</sup> Agreement as amended by this First Amendment to comply with the Obligations of Jasper County.

This Resolution No. \_\_\_\_\_ made this \_\_\_\_\_<sup>th</sup> day of August, 2021, and effective immediately.

\_\_\_\_\_  
**Barbara Clark**  
**Chair**

**ATTEST:**

\_\_\_\_\_  
**Wanda Simmons**  
**Clerk to Council**

Reviewed for form and draftsmanship by the Jasper County Attorney.

\_\_\_\_\_  
**David L. Tedder**

\_\_\_\_\_  
**Date**