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The State of South Carolina



Office of the Attorney General

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October 16, 1987

Ms. Jennie P. Saussy
Chairman, Georgetown County
Higher Education Commission
P. O. Box 1040
Georgetown, South Carolina 29442

Dear Ms. Saussy:

You have requested the advice of this Office as to several questions concerning the applicability of the Home Rule Act to the Georgetown County Higher Education Commission (Commission). §4-9-10 et seq. of the Code of Laws of South Carolina, 1976, as amended. The Home Rule laws do not control the funding or the appointments for the Commission. Ops. Atty. Gen., April 24, 1980; see also September 18, 1986; Act 110, Acts and Joint Resolutions of South Carolina, 1967, as amended by Act 416 of 1971. Under the legislation for the Commission, appointments of the members are made by the Governor upon the recommendation of a majority of the Georgetown County Delegation. Act 416, §1. No specific provisions are made for funding the Commission other than authorization for the Commission to "...solicit funds and accept donations from various sources which it may expend in carrying out its objective...." Act 110, §4. The Commission is also given the authority to enter contracts, etc., and to take such actions as are necessary to secure for Georgetown County and adjacent areas the educational facilities referenced in the legislation for the Commission. Act 110, §4. The only specific provisions for the relationship between the Commission and the county legislative delegation are those referenced above and provisions that the County of Georgetown shall not be bound or held liable "...for any acts of omission or commission of the Commission, nor by any provision of any contract or agreement, expressed or implied, except upon the written approval and consent of a majority of..." the legislative delegation.

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For your reference, I am enclosing copies of the legislation for the Commission. Should you have any questions, please let me know.

Yours very truly,



J. Emory Smith, Jr.
Assistant Attorney General

JESjr/srcj
Enclosures

REVIEWED AND APPROVED:



Robert D. Cook
Deputy Attorney General