



Office of the Attorney General

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July 2, 1986

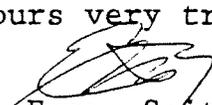
John L. Napier, Esquire  
Post Office Drawer 995  
Bennettsville, South Carolina 29512

Dear John:

As attorney for the Malboro County Board of Education (County Board), you have requested the advice of this Office as to whether the Board can rent space in a building owned by the Board to other governmental agencies in the State. In response to your request, I am enclosing a copy of a previous opinion of this Office which concluded that the Williamsburg County school district appeared to have the authority to lease school property to the county under §59-19-250 of the Code of Laws of South Carolina, 1976. Ops. Atty. Gen. (November 14, 1984). Section 59-19-250 authorizes school trustees "...to sell or lease land in their district whenever they deem expedient to do so...." Because the County Board has general management and control, etc. of the Malboro County school district and, because it has the authority to purchase land and construct new buildings, etc., it should have the authority to lease building space under §59-19-250. Act 256, Sections 9 and 10(7), Acts and Joint Resolutions of South Carolina, 1981. Of course, the validity of any such lease would also be dependent upon the authority of the lessee agency to enter the lease and the terms of the lease. I express no opinion as to the terms and the authority of the lessee because apparently no lease proposal has yet been drafted, and you have not requested such information at this time.

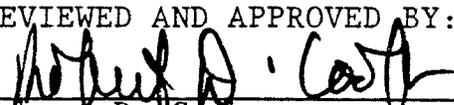
If I may be of additional assistance, please let me know.

Yours very truly,

  
J. Emory Smith, Jr.  
Assistant Attorney General

JESjr/srcj  
Enclosure

REVIEWED AND APPROVED BY:

  
Robert D. Cook  
Executive Assistant for Opinions