

1984 S.C. Op. Atty. Gen. 47 (S.C.A.G.), 1984 S.C. Op. Atty. Gen. No. 84-15, 1984 WL 159823

Office of the Attorney General

State of South Carolina

Opinion No. 84-15

February 10, 1984

\*1 Robert M. Bell, Esq.  
Aiken County Attorney  
P. O. Drawer I  
Langley, South Carolina 29834

Dear Mr. Bell:

It has been the long standing opinion of this office that a county governing body cannot alter the duties of the County Treasurer. We attach a copy of an opinion of August 26, 1976, OAG 4431. The pertinent language as relates to this question is that: 'In my opinion, an expansion of the Beaufort County Treasurer's duties from those presently imposed by statute constitutes an alteration of those duties and is expressly prohibited. See, e.g., [Kraus v. Kraus, 22 N.E.2d 862 \(1939\)](#). Moreover, I can find no language in Act No. 283 that would provide the new county council with the authority to add to the duties of, or alter the functioning of, the Treasurer's office once 'home rule' becomes effective in Beaufort County, other than in areas such as employee grievances [§ 14-3703(7)], the establishment of an accounting and reporting system [§ 14-3703(8)] and of a centralized purchasing system [§ 14-3713] and the submission to it of annual fiscal reports from all county offices, departments, boards, commissions or institutions receiving county funds [§ 14-3711]. Section 14-3703(6) of that Act merely authorizes the county council to create and alter new agencies, to wit:

to establish such agencies, departments, boards, commissions, and positions in the county as may be necessary and proper to provide services of local concern for public purposes, to prescribe the functions thereof, and to regulate, modify, merge or abolish any such agencies, departments, boards, commissions, and positions, . . . [Emphasis added.]

That language does not empower the county council to modify or regulate existing county offices created by statute such as the county treasurer's office.'

In addition to the above, an opinion was directed to the Treasurer of Aiken County on April 5, 1978. It provided in part that: 'Neither the Aiken County Council nor any official, including the Finance Director, appointed by it has the authority to alter, expand or diminish your statutory duties except as specific legislation may so sanction it. The provisions of Act No. 283 of 1975, the 'home rule' legislation, do empower county councils to affect the functioning of elected officials in the areas of personnel policies and procedures, including employee grievances [§ 4-9-30(7), [CODE OF LAWS OF SOUTH CAROLINA, 1976](#)], the establishment of an accounting and reporting system [§ 4-9-30(8), [CODE OF LAWS OF SOUTH CAROLINA, 1976](#)] and of a centralized purchasing system [§ 4-9-160, [CODE OF LAWS OF SOUTH CAROLINA, 1976](#)] and the submission to it of annual fiscal reports [§ 4-9-140, [CODE OF LAWS OF SOUTH CAROLINA, 1976](#)]. These powers are broad, general ones and embrace elected officials and their offices as well as appointed officials. In my opinion, however, they do not authorize any usurpation of your statutory duties to receive, maintain and disburse county funds. Aiken County Ordinance No. 75-6-28, which created the position of Coordinator of County Finances, cannot be used as authority to infringe upon those duties and, to the extent that it does, it is conflict with State law and, therefore, invalid.'

\*2 This is the long standing opinion of this office. The duties of the County Treasurer cannot be altered by the governing body. Should there be a duplication of duties by the Treasurer and the Finance Department, the same may be eliminated by providing that the Treasurer's office perform the duties. The duties assigned to the Treasurer cannot, in our opinion, be removed from that office.

Yours very truly,

Joe L. Allen, Jr.  
Chief Deputy Attorney General

1984 S.C. Op. Atty. Gen. 47 (S.C.A.G.), 1984 S.C. Op. Atty. Gen. No. 84-15, 1984 WL 159823

---

End of Document

© 2015 Thomson Reuters. No claim to original U.S. Government Works.