

1983 WL 181734 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

February 3, 1983

*1 The Honorable Francis X. Archibald
Representative
Berkeley County
Room 308B
Blatt Building
Columbia, South Carolina 29211

Dear Representative Archibald:

Thank you for your letter of January 18, 1983. You have requested my opinion as to several matters relating to the County Board of Education and Superintendent of Education in Berkeley County.

I have read the letter of R. Markley Dennis, Jr., Esquire, which you attached to your request. I agree with him that [Aiken County Board of Education v. Knotts](#), 274 S.C. 144, 262 S.E.2d 14 (1980), appears to be applicable to the provisions for participation by the Berkeley County legislative delegation in the preparation of the budget for Berkeley County schools set forth in Act 602 § 4, [Acts and Joint Resolutions of South Carolina, 1971](#), as continued by Act 518 § 7 of 1982; however, because of the presumed constitutionality of legislative acts, a declaratory judgment action on this question may be desirable. See [Thomas v. Macklen](#), 186 S.C. 290, 195 S.E. 539 (1938); [Townsend v. Richland Co.](#), 190 S.C. 270, 2 S.E.2d 777 (1939).

As to your questions concerning salaries for members of the Berkeley County Board of Education, I am enclosing a copy of a previous opinion of this office (May 4, 1979, by Paul S. League) which found that the members of the board of trustees of a school district cannot receive salaries absent authorization from the legislature. The conclusions in that opinion apply here to Berkeley County, and I have located no authority for the payment of salaries to the County Board of Education.

You have also asked questions concerning pay raises for the Berkeley County Superintendent of Education. I have located no provision of law which would bar his being given an annual pay raise. 63 AM.JUR.2d [Public Officers](#) § 368; see [§ 59-13-100, CODE OF LAWS OF SOUTH CAROLINA](#), 1976.

If you have further questions, please do not hesitate to contact me.

With best regards, I am
Sincerely yours,

T. Travis Medlock
Attorney General

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