

1981 WL 158055 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

November 25, 1981

\*1 A. G. Solomons, Jr., Esquire  
Hampton County Attorney  
Post Office Box 969  
Estill, South Carolina 29918

Dear Mr. Solomons:

You have requested an opinion whether the Hampton County Council has the authority to increase the County Treasurer's surety bond amount above the amount set by statute. It is the opinion of this Office that the Council does not have the authority to change the County Treasurer's surety bond amount.

County councils generally have only those powers that are granted to them either expressly or by necessary implication. [Williams v. Wylie, 217 S.C. 247, 60 S.E.2d 586 \(1950\)](#); 56 Am.Jur.2d 'Municipal Corporations,' § 194. There is no provision in the Home Rule Act or other statute which would empower the county council to change this surety bond amount which has been set by statute for treasurers. It might be argued that the surety bond relates to the development by council of a 'polic[y] and procedure[] for county employees by which all county employees are regulated . . . ' § 40-5-30(7), S.C. Code 1976 (as amended). But that section of the statute specifically exempts county officials elected directly by the people. *Id.* Thus the county council could not pass any ordinance relating to the elected treasurer under this statutory section.

There appears to be no other provision of state law which either expressly or by necessary implication empowers the council to enact an ordinance concerning surety bonds for county officials. Therefore it is the opinion of this Office that the Hampton County Council does not have the authority to change the county treasurer's surety bond amount.

Sincerely yours,

David C. Eckstrom  
Assistant Attorney General

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