

1977 WL 37218 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

January 12, 1977

*1 Mr. Harry L. Griffin, Jr.
Smith, Currier and Hancock
Attorneys at Law
1400 Fulton National Bank Building
Atlanta, Georgia 30303

Dear Mr. Griffin:

At the request of Mr. Douglas S. Garvin, Attorney for the Aiken County Public Service Authority, I am responding to your inquiry regarding the legal authority for Aiken County to execute construction contracts with your client, Author Pew Construction Co., Inc.

Article 8, Section 16, of the Constitution of the State of South Carolina provides that any county may, upon a majority vote of the electors voting on the question in such county, acquire by initial construction or purchase and may operate sewer and other public utility systems. I am informed that a special election was held in Aiken County on September 2, 1976, wherein the electors of Aiken County were asked to authorize and empower Aiken County to acquire, purchase, construct and thereafter operate the Horse Creek Basin Waste Water Treatment Facility. The Referendum imposed certain specific limitations upon Aiken County relative to the source of funds to be utilized for such acquisition, purchase and construction, namely, State and Federal grants, contractual funds from customers of the facility, revenue bonds of Aiken County and other revenues derived from the operation of the facility itself. I am further informed that the referendum question was overwhelmingly approved by the electors of Aiken County.

It is the opinion of this office that Aiken County would be empowered to enter into the proposed construction contracts provided that the contracts specifically limit the source of funds from which Aiken County can pay any of the financial obligations imposed by such contracts in accordance with the terms of the referendum.

With kind regards,

Karen LeCraft Henderson
Assistant Attorney General

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