

1972 WL 25340 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

June 2, 1972

\*1 Mr. Russell B. Shetterly  
Executive Director  
South Carolina Association of Counties  
Suite 808  
SCN Center  
1227 Main Street  
Columbia, South Carolina

Dear Mr. Shetterly:

Thank you for your letter of May 26 concerning the following questions:

1. Does Act 371 of 1967 conflict with the South Carolina Constitution as to the powers granted by the legislature to the governing body of Sumter County?

The powers given under the act are specifically named in the Constitution of this State. The act follows closely that adopted in approximately half of the counties in the State, the general tenor of which is modeled upon the act considered by the Supreme Court of South Carolina in Gaud v. Walker 214 S.C. 451. There would appear to be no conflict between the powers granted under the act and any provision of the Constitution of this State.

2. Is there anything in the resolution describing the powers of the County Manager which would be in conflict with the Constitution?

The resolution considered as a whole does nothing more nor less than designate the County Administrator as a subordinate administrative official to carry out the policies and directives of the County Commission. This is a commonly employed device at the city level in this State and increasingly so at the county level. There appears to be no conflict between the powers given to the County Administrator under the resolution styled 'Document 3A' and the Constitution of this State, nor does there appear to be any reason why the County Commission may not delegate the powers described in the resolution to the County Administrator.

Very truly yours,

Daniel R. McLeod  
Attorney General

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