



The State of South Carolina
OFFICE OF THE ATTORNEY GENERAL

CHARLES MOLONY CONDON
ATTORNEY GENERAL

February 29, 1996

Hardwick Stuart, Jr., Esquire
Newberry County Attorney
Post Office Box 394
Columbia, South Carolina 29202-0394

RE: Informal Opinion

Dear Mr. Stuart:

By your letter of February 20, 1996, to Attorney General Condon, you sought an opinion as to a proposed fee-in-lieu-of-taxes arrangement with an industrial prospect which may locate in Newberry County, in light of "The Revenue Ordinance" as adopted pursuant to the initiative and referendum process in Newberry County. You had forwarded to this Office a copy of the opinion which you, as Newberry County Attorney, provided to Newberry County Council as well as a copy of the ordinance in question.

Of course, this Office is not statutorily authorized to either participate in the drafting of such an ordinance or petition or attend meetings of county councils or the like at which such petition or ordinance would be discussed, and accordingly we consistently defer to local authorities to interpret ordinances which were adopted at the local level, for any additional insight or enlightenment as to the drafters' intent. However, based solely on the information presented for our consideration and in the absence of additional information as to intent to the contrary, I would concur with your opinion that Newberry County did not intend to apply Ordinance 163, "The Revenue Ordinance," to industrial growth, but instead intended it to limit new taxes and increased taxes. In particular, I concur with the conclusion and observation on page three of your opinion:

This conclusion is further supported by the stated purpose and the exception in the Revenue Ordinance. As for the Revenue Ordinance itself,

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the stated purpose is to "limit the growth of county government," which is different from the economic growth of the county.

This letter is an informal opinion only. It has been written by a designated Senior Assistant Attorney General and represents the position of the undersigned attorney as to the specific questions asked. It has not, however, been personally scrutinized by the Attorney General nor officially published in the manner of a formal opinion.

With kindest regards, I am

Sincerely,

Patricia D. Petway

Patricia D. Petway
Senior Assistant Attorney General