

The State of South Carolina

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Office of the Attorney General

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May 22, 1989

The Honorable Joyce C. Hearn
Member, House of Representatives
1300 Berkeley Road
Columbia, South Carolina 29205

Dear Representative Hearn:

You have asked for the opinion of this Office as to whether a local governmental body may use public taxpayers' funds for picnics and social events for employees and for members of the governing body. For the reasons following, it is the opinion of this Office that such an expenditure would be improper.

Every expenditure of public funds must directly promote a public purpose. Mims v. McNair, 252 S.C. 64, 165 S.E.2d 355 (1969). Although expenditures that promote the efficiency of employees generally constitute a public purpose, the advantage accruing to the public must be direct, not merely indirect or remote. Caldwell v. McMillan, 224 S.C. 150, 77 S.E.2d 798 (1953). If the good will engendered by the giving of a picnic or such social event for the enjoyment of public employees and officials provides any public benefit, such benefit would be remote or indirect rather than direct. See Op. Atty. Gen. dated March 29, 1984 (copy enclosed).

Moreover, this Office has previously advised "[t]hat salaries paid to officers and employees of the State ... shall be in full for all services rendered, and no perquisites of office or of employment shall be allowed in addition thereto" 1988 Act 658, Part I, Section 129.9; Op. Atty. Gen. dated March 29, 1984. We have previously defined "perquisite" to include "some benefit, in addition to base salary, incidental to one's position or employment," Op. Atty. Gen. dated December 22, 1988, and have said that perquisite ordinarily means "a privilege, gain or profit incidental to employment in addition to regular salary or wages." Op. Atty. Gen. dated March 29, 1984. Specifically, we have recognized that social functions to honor employees and health insurance benefits are perquisites.

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Based on the foregoing, it is the opinion of this Office that an expenditure of public funds by a local governmental body for a picnic or other such social event for the benefit of its employees and officers would be improper as such expenditure would, at best, only remotely serve the public and would amount to a perquisite of office or of employment.

With kindest regards, I am

Sincerely,

Patricia D. Petway

Patricia D. Petway
Assistant Attorney General

PDP/an

Enclosure

REVIEWED AND APPROVED BY:

Robert D. Cook

Robert D. Cook
Executive Assistant for Opinions