

The State of South Carolina



Office of the Attorney General

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September 6, 1988

Mr. Leonard E. Singletary
Director
Marion County Vocational Education Center
Post Office Box 890
Marion, South Carolina 29571

Dear Mr. Singletary:

You have requested the advice of this Office as to what procedure the Marion County Vocational Education Center (Center) should follow for the sale of certain property belonging to the Center. Although joint vocational school boards are not expressly given the power to sell real property, such powers should be included in the authority of joint vocational boards to acquire property. Section 59-53-1920 of the Code of Laws of South Carolina (1976); Ops. Atty. Gen., August 11, 1987.

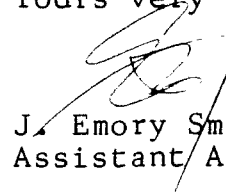
No applicable statutory provisions expressly require public bidding or other procedures for such a sale by the Center (see, Ops. Atty. Gen., April 10, 1979); however, this Office has advised that "... sales of public property must be openly and fairly conducted..." and that such sales "... must be made in such manner and upon such terms as would most advantageous to the public." 1985 Ops. Atty. Gen., No. 85-91. This previous opinion suggested "... employing procedures which would provide 'notice, a reasonable opportunity for those interested to appear and be heard, and fairness in connection with the sale'", although such procedures are not required by statute. Id. In addition to giving consideration to these procedures, you should check for any local procedures applicable to your Center that might affect the disposition of this property. I also suggest that you consult with your local attorney to ensure that all aspects of the proposed transaction are carefully reviewed.

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In conclusion, although no applicable statutory provisions appear to require a particular procedure for the sale of your Center's property, this Office suggests that consideration be given to procedures that would provide "notice, a reasonable opportunity for those interested to appear and be heard, and fairness in connection with the sale." 1985 Ops. Atty. Gen. No. 85-91. Inquiry should also be made as to the applicability of any local procedures, and your attorney should be consulted.

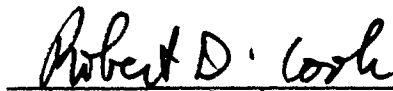
If you have any questions, please let me know.

Yours very truly,


J. Emory Smith, Jr.
Assistant Attorney General

JESjr:st
Enclosures

REVIEWED AND APPROVED:



Robert D. Cook
Executive Assistant for Opinions