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February 28, 1985

William F. Able, Esquire
Richland County Attorney
P. O. Box 192
Columbia, SC 29202

Dear Bill:

Thank you for your letter of February 14, 1985, which was received by this Office on February 15. You have requested that we review our previous opinion of August 22, 1984, concerning the hiring of legal counsel for Richland County School District I. The basis for your request is Act 581, §3, Acts and Joint Resolutions of South Carolina, 1971, which requires certain agencies to obtain the approval of the Richland County Attorney before employing any attorney other than the county attorney.


We have reviewed the August 22, 1984, opinion with reference to Act 581 and reaffirm the previous advice given. The part of Act 581 with which you are concerned applies to "...any officer, board, commission, committee or agency in Richland County, which is funded in whole or in part from county funds, or any officer, board, commission, committee or agency of the county over which the governing body or county legislative delegation has any appointive powers..." (Emphasis added). Although this provision refers to agencies, etc., "in" Richland County, it must be read with reference to other provisions of this law. Sutherland Statutory Construction, Volume 2A, §46.05 (4th Ed.). Other provisions of Act 581 refer to agencies, etc., "of" the county or refer to "its" agencies, etc. These references make clear that the agencies, etc., covered are those "of" Richland County which receive county funds or over which the county governing body or delegation have appointment authority. School districts are bodies politic and corporate rather than county agencies. See §59-17-10 of the Code of Laws of South Carolina, 1976, and 1973 Ops. Atty. Gen. No. 1602 as cited in Ops. Atty. Gen. (August 22, 1984). Therefore, regardless of whether Richland School District I receives "county funds", it is not an agency of the county for the purpose of the application of Act 581, §3. See also Ops. Atty. Gen. dated August 8, 1984.

REQUEST LETTER

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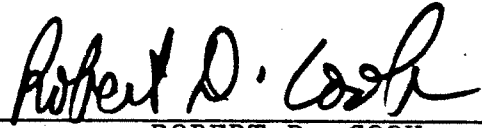
For the above reasons, we affirm the previous advice given in the August 22, 1984, opinion. If we may be of other assistance, please let us know.

Yours very truly,


J. Emory Smith, Jr.
Assistant Attorney General

JESJr/rho

REVIEWED AND APPROVED:



ROBERT D. COOK
Executive Assistant for Opinions