

1984 WL 249704 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

July 3, 1984

***1 Re: Greenville County Planning Commission**

Purvis W. Collins
Director
South Carolina Retirement System
Sol Blatt Building
Second Floor
Columbia, South Carolina 29201

Dear Mr. Collins:

This Office has been asked to review the conclusion reached by this Office in letters dated April 20, 1983 and March 4, 1983, as to the status of the Greenville County Planning Commission as a separate political subdivision for the purposes of federal identification numbers for Social Security Act reporting purposes. Those letters concluded that the Commission was an entity separate from the County of Greenville and, therefore, separate federal identification numbers should be used.

This Office has received and reviewed additional information since the April 20, 1983, letter was issued. On the basis of the information received, we would advise that the Greenville County Planning Commission appears to be a county agency or department, and it would be appropriate for the County and the Commission to use the same federal identification number.

The Greenville County Planning Commission was created by Act No. 129, 1963 Acts and Joint Resolutions, which Act has been subsequently amended several times.¹ As to appointment of members of the Commission, County Council is governed by Act No. 474, 1973 Acts and Joint Resolutions; the Commission's powers and duties are set forth in the aforementioned acts and also in Act No. 487 of 1967, which is codified as [Section 6-7-10 et seq., Code of Laws of South Carolina](#) (1976 and 1983 Cum.Supp.). The Commission itself hires the director, but all employees fall under Greenville County's personnel rules and classification system. County Council approves the Commission's budget, and the Commission follows the county's purchasing code.

The Commission's enabling legislation does not contain the usual provisions which are generally considered in determining the existence of a separate political subdivision or entity. The Commission has not, by the General Assembly or Greenville County Council, been designated a body politic or corporate, though such a designation would not in and of itself make such a body a political subdivision. [Richmond County Hospital Authority v. McClain](#), 112 Ga.App. 209, 144 S.E.2d 565 (1965). The Commission has jurisdiction over the entire county and is not restricted to a specified geographic area with certain boundaries other than the boundaries of the county. [Bolen v. Board of Firemen, etc.](#), 308 S.W.2d 904 (Tex.Civ.App. 1957); [McClanahan v. Cochise College](#), 25 Ariz.App. 13, 540 P.2d 744 (1975). The Commission possesses no taxing powers. [Bolen v. Board of Firemen, etc.](#), *supra*; [Commander v. Board of Commissioners of Buras Levee District](#), 202 La. 325, 11 So.2d 605 (1942). However, the Commission members are appointed by locally elected public officials, [Guaranty Petroleum Corporation v. Armstrong](#), 609 S.W.2d 520 (Tex. Sup.Ct. 1980), and the Commission does exercise a governmental function, [Lydecker v. Commissioners](#), 41 N.J.L. 154.

***2** Considering all of the above factors and new information received by this Office, we would now conclude that the Greenville County Planning Commission is an agency or department of the County of Greenville and is not a separate entity or political subdivision for the use of the county's federal identification number for Social Security Act purposes. Due to the new information received, the letters of March 4, 1983 and April 20, 1983 are superseded to the extent inconsistent with today's letter.

If you need additional information or clarification, please advise this Office.

Sincerely yours,

Kenneth P. Woodington
Senior Assistant Attorney General

Footnotes

- ¹ See also Act No. 221 of 1965; Act No. 1115 of 1966; Act Nos. 942 and 1087 of 1968; Act Nos. 913, 978, and 1256 of 1970; and Act No. 474 of 1973.

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