

1984 WL 249930 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

July 16, 1984

*1 C. Dennis Aughtry, Esquire
Assistant County Attorney
Richland County Judicial Center
Post Office Box 192
Columbia, South Carolina 29202

Dear Mr. Aughtry:

You have requested the advice of this Office as to the applicability of a Richland County ordinance to Richland County School District One, § 2-142, Richland County Code. This ordinance requires the county attorney's prior approval before any office or entity in the county which receives county funds employs an attorney other than the county attorney. You have included some of your own research and that of others relating to this question.

I am enclosing copies of recent legislation and an opinion of this Office which may have bearing on this question. See, R341, Acts & Joint Resolutions of South Carolina, 1984; Ops. Atty. Gen. (February 23, 1984); see also, R344, 1984. The opinion noted that § 21-3913 of the Code of Laws of South Carolina, 1962, casts doubt on the devolution of authority on county council as to certain matters pertaining to District One. R341 States that Richland County Council has no authority over the personnel policies of Richland County school districts. These policies are defined to ' . . . include but are not limited to, matters relating to hiring and dismissal of employees.' See also § 21-3918, 1962 Code; Act 585 § 2, 1971.

In citing this authority I am expressing no opinion of this office now as to whether it applies to § 2-142. Instead, I would like to give you the opportunity to consider the effect of the above cited authority as well as that of Act 280 § 2, 1979, which directs county council to determine the school tax levy for Richland County, and the other authority which you have noted. See, Ops. Atty. Gen. (July 1, 1983). After your review, if you need the further assistance of this Office, please do not hesitate to contact us.
Yours very truly,

J. Emory Smith, Jr.
Assistant Attorney General

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