

1983 WL 181777 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

March 4, 1983

\*1 Purvis W. Collins

Director

South Carolina Retirement System

Sol Blatt Building

Second Floor

Columbia, South Carolina 29201

Dear Mr. Collins:

You have requested an opinion as to the present status of the Greenville County Planning Commission, and whether it is still a separate political subdivision.

The Commission was originally created by Act No. 129 of 1963, which has been amended many times since. As originally constituted in 1963, the Commission was charged with the duty of coordinating planning and development within Greenville County. Its members were appointed by the County Legislative Delegation. However, by Act No. 913 of 1970, the method of appointment was changed, so that the Commission members were appointed by the Greenville County Council. The same Act required that the Commission submit its proposed budget to the Greenville County Council. Later in the same year, Act No. 1257 changed the matters of appointment and budget back to what they had been originally, that is, the members were to be appointed by the Delegation and the budget was to be submitted to the Delegation. In 1973, Act No. 474 of 1973 again vested the power of appointment and removal of Commission members in the Greenville County Council; budgetary matters were left unchanged.

No further statutes relating to the Commission have been found. In 1976, the Commission was requested by the County Council to adopt county personnel rules, compensation plan, and accounting procedures, and the Commission agreed to do so. The County now requests that the Commission be regarded as a subdivision of the County as a result of this action. Section 4-9-80 limits the powers of county councils over political subdivisions and requires a referendum for the dissolution of such subdivisions and the assumption of their functions by the county government. This has apparently not been done, and since the statutes creating the Commission and providing for its functions did not provide for financial control of the Commission by the county, I would recommend that the Commission continue to be carried as a separate political subdivision. It might, however, be possible that further information or documentation from the county attorney might provide further clarification of this matter. Sincerely yours,

Kenneth P. Woodington

Senior Assistant Attorney General

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