

1981 WL 158193 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

March 18, 1981

\*1 Ms Deborah C. Westbrook  
Assistant County Attorney  
14-A Courthouse Annex  
Greenville, South Carolina 29601

Dear Ms. Westbrook:

In response to your request for an opinion from this Office regarding the authority of the Greenville County Council vis a vis the Greenville County Redevelopment Authority, my opinion is that although the Authority was created by special legislation [56 STAT. 879 (1969)] and accordingly would be subject to change by the Council after January 1, 1980, pursuant to SECTION 3 of Act No. 283, the 'home rule' legislation, nevertheless that special legislation incorporates general law provisions which most probably cannot be altered by the Council. For example, Section 4(4) of Act No. 516 of 1969 provides that '[e]ach authority shall have all of the authority provided for in Chapters 2, 3 and 4 of Title 36 of the 1962 Code' [presently Chapters 3, 5 and 7 of Title 31 of the 1976 Code] and, although Section 4(14) of Act No. 516 empowers the Greenville County Council to 'further define the powers of the respective redevelopment authorities,' this power cannot be exercised in such a way as to conflict with the general law provisions contained in Chapters 3, 5 and 7 of Title 31 of the 1976 Code.

I understand that a question has arisen as to the proper body to prescribe the compensation of the Authority's executive director and other employees. In my opinion, the Authority is to prescribe the compensation of its employees pursuant to [Section 31-3-380, CODE OF LAWS OF SOUTH CAROLINA](#), 1976, as amended, which provides in part:

... the commissioners shall, from time to time, select and appoint such officers and employees, . . . , as they may require for the performance of their duties and shall prescribe the duties and compensation of each officer and employee.

This provision is applicable to the Authority by virtue of Section 4(4) of Act No. 516 of 1969 as hereinabove discussed.

With kind regards,

Karen LeCraft Henderson  
Senior Assistant Attorney General

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