

1981 WL 157829 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

June 22, 1981

*1 J. Lewis Cromer, Esquire
Office of the County Attorney
Richland County Judicial Center
Post Office Box 192
Columbia, South Carolina 29202

Dear Mr. Cromer:

You have asked the opinion of this Office on whether Section 3 of Act Number 581, Acts and Joint Resolutions, 1971, has been affected by the Home Rule Act of 1975, as amended, [Act Number 283, Acts and Joint Resolutions, 1975, as amended]. You also have asked the opinion of this Office on whether the aforementioned provision is applicable to this East Richland County Public Service District.

Section 3 of Act 581, which amended Section 14-3223 of the Code of Laws of 1962, states in part as follows:

It shall be unlawful for 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, to employ an attorney, other than the county attorney, in any matter whatsoever or to agree to pay for services which might be rendered to them out of public funds without first obtaining the county attorney's approval of the employment of such attorney.

The Richland County Council has adopted by ordinance similar language in Section 3-1055 of the Richland County Code [copy attached].

Pursuant to Section 3(b) of the Home Rule Act, county councils, since January 1, 1980, have been authorized to enact ordinances repealing local laws relating to the operations, agencies and offices of county government. Based upon my information, the Richland County Council has not so acted to repeal Section 3 of Act 581. The council, however, since that date has adopted or continued in force the aforementioned ordinance that in essence restates Section 3 of Act 581. Furthermore, I have not found where the General Assembly has expressly or impliedly repealed that provision. Therefore, it is the opinion of this Office that Section 3 of Act 581 remains in effect.

Before this Office can issue an opinion on the second question posed by you, we would request that you furnish a written opinion thereon. Your opinion should identify all authority or arguments known or presented to you that assert that the aforementioned provision is not so applicable.

Sincerely,

James M. Holly
Assistant Attorney General

1981 WL 157829 (S.C.A.G.)