

1981 WL 157986 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

September 29, 1981

*1 Stephen A. Kern, Esquire
City of Greenville
Post Office Box 2207
Greenville, South Carolina 29602

Dear Mr. Kern:

You have requested an opinion whether the Greenville Airport Commission, (hereinafter the Commission) may be abolished by an ordinance of both the City and County of Greenville. It is the opinion of this Office that the Commission may not be abolished by ordinance but rather may be abolished only pursuant to an act of the Legislature.

The Commission was created by Act No. 919, ACTS AND JOINT RESOLUTIONS, SOUTH CAROLINA, 1928. It was created specifically as a Commission for the City and County of Greenville. Because it was created for two distinct jurisdictions, it cannot be regarded as a commission or agency of the County government. Therefore, the Commission could not be abolished or otherwise altered by the County Council pursuant to the Home Rule Act. § 3, Act No. 283, ACTS AND JOINT RESOLUTIONS, SOUTH CAROLINA, 1975. Likewise there is no provision in the Home Rule Act whereby a municipality may alter or abolish such a Commission. Therefore, it is the opinion of this Office that the Commission may not be abolished by action solely of the City and County of Greenville.

Section, you have asked whether action by the General Assembly would be required to abolish the Greenville Airport Commission or to alter it to vest appointive powers of all five Commissioners, as well as ownership of the land, in the City of Greenville. For reasons stated above, it is the opinion of this Office that it would require action by the General Assembly to accomplish those objectives. In that regard it should be noted that the South Carolina Constitution, specifically Article VIII, Sections 7 and 10, prohibit special laws for a specific county or municipality. See [Cooper River Park and Playground Commission v. City of North Charleston](#), 273 S.C. 639, 259 S.E.2d 107, 109 (1979). Thus, it is most likely that any such action to abolish or alter this Commission must be by general law.

Sincerely yours,

David C. Eckstrom
Assistant Attorney General

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