

1982 WL 189397 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

August 10, 1982

*1 Charlton deSaussure, Jr., Esquire
Sinkerr Gibbs & Simons
Post Office Box 340
Charleston, South Carolina 29401

Dear Charlton:

Thank you for your letter of August 4, 1982, regarding the proposed ordinance for the Orangeburg County Council which would permit each of the elected boards of trustees of the respective school districts in Orangeburg County to levy the school district tax for the present fiscal year. We have read this ordinance and understand the reasoning stated therein. Although this matter could not be resolved with certainty absent judicial action, we believe that your position is arguable. Although I have not searched for the authority, you may find additional support for your argument in a rule which states that government does not function in a vacuum, i.e. some governmental body must have levying authority.

If you have any questions or if we may be of further assistance, please let us know.

Yours very truly,

J. Emory Smith, Jr.
Assistant Attorney General

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