

1982 WL 189442 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

September 24, 1982

*1 John R. Rumford
Deputy Director/Planning
Division of Economic Opportunity
Governor's Office of Executive Policy and Programs
1712 Hampton Street
Columbia, South Carolina 29201

Dear Mr. Rumford:

You have requested the opinion of this Office as to the eligibility of the Commission created by Anderson County Ordinance No. 91, adopted August 3, 1982, to receive grants through your office for the Community Services Block Grant program.

In our opinion the Anderson County Human Resources Commission established by Ordinance No. 91 is not presently eligible to receive CSBG grants under the State Implementation Plan. The Commission is not an eligible entity; that is, it is neither (1) a community action agency, (2) a private non-profit organization, (3) a city or county government or (4) a migrant or seasonal farm worker organization. The Ordinance might be amended in such fashion as to constitute it as a community action agency; for example, by altering the composition and selection of board members.

A further and more important consideration is the fact that G.L.E.A.M.S. Human Resources Commission, created by Act 670 of 1976 was amended in this year to include Anderson County. This multi-county agency, which is a community action agency, has been established by the General Assembly to serve the seven county area including Anderson and, in our opinion this State statute would preempt the establishment of a separate community action agency in Anderson County under Article 8 of the Constitution (the Home Rule article). Multi-county agencies are not affected or eliminated where the General Assembly chooses to establish them. See [Kleckley v. Pulliam, 265 S.C. 177, 217 S.E.2d 217 \(1975\)](#). Therefore, if the Governor approves a CSBG grant for the G.L.E.A.M.S. Human Resources Commission, proportionate funds allotted to Anderson County would be administered by that agency. It is also possible for any one of those counties to withdraw from G.L.E.A.M.S. by further amendment to act 670 of 1976. If this were done, CSBG funds allocated to that county could be granted by the Governor to any eligible entity in the county of those mentioned in paragraph two above.

We should also comment that ultimately it is the Governor's decision as to which of the eligible entities would receive the grants in accordance with the guidelines set out in the State Implementation Plan. This plan includes specific requirements as to the composition of the governing board of the entity as well as demonstrated capability to manage the grants and implement the programs, including compliance with detailed auditing and reporting requirements.

If you have further questions, do not hesitate to call us.

Sincerely,

Frank K. Sloan
Deputy Attorney General

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