

1980 WL 120687 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

February 28, 1980

*1 Mr. Thomas F. Fennell
Chairman
Colleton County Council
Post Office Box 147
Walterboro, South Carolina

Dear Mr. Fennell:

This is in reply to your letter of January 10, 1980, inquiring as to what governing authority could decide whether or not to close the existing Colleton County hospital. A decision such as this must be made by the Colleton County Council.

The Colleton County Hospital Board was created by special act. Act No. 150 of 1943 (1943 (37) 223). The Home Rule Act permits a county council after January 1, 1980, to enact ordinances which may contravene special legislation for a county in the area of operations, agencies, and offices of county government. Section 3 of 1975 Act No. 283 (1975 (59) 692). There is no general law requirement that Colleton County maintain a county hospital. Therefore, it is the opinion of this Office that the Colleton County Council would have the authority to enact an ordinance which disestablishes the Hospital Board and closes the Colleton County Hospital. This decision is of course contingent on the County Council obtaining the necessary approval from the State Department of Health and Environmental Control, as required by [§ 44-7-10, et seq., Code of Laws of South Carolina](#), 1976.

Sincerely yours,

David C. Eckstrom
State Attorney

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