

1980 WL 121174 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

April 17, 1980

*1 James C. Sanders, Esquire
Beaufort City Attorney
Post Office Drawer 1027
Beaufort, South Carolina 29902

Dear Mr. Sanders:

You have requested an opinion from this Office as to whether or not the City of Beaufort Treasurer is authorized to act as treasurer of the Board of Trustees of the Beaufort City Fireman's Insurance and Inspection Fund. In my opinion, he is so authorized.

[Section 38-57-40, CODE OF LAWS OF SOUTH CAROLINA](#), 1976, (Cum.Supp.), provides in part:

. . . the treasurer of the city or town or, for a fund for an unincorporated community, the county treasurer, shall act as the treasurer of the board and be custodian of all funds received as a result of the provisions of this chapter . . .

The use of the word 'shall' mandates that the position of treasurer is to be filled by the city treasurer in all incorporated communities. In my opinion, the role of the county treasurer as set forth in [Sections 38-57-160](#), 170 and 200, CODE OF LAWS OF SOUTH CAROLINA, 1976, (Cum.Supp.), in incorporated communities is limited to disbursing the appropriate amount of funds to the treasurers of the local boards of trustees in the statutorily prescribed manner.

With kind regards,

Karen LeCraft Henderson
Senior Assistant Attorney General

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