

1980 WL 120726 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

June 18, 1980

*1 C. J. Manos, Esquire
Assistant County Attorney
Post Office Box 7
Charleston, South Carolina 29402

Dear Mr. Manos:

In response to your request for an opinion from this Office as to whether or not the Charleston County Community Development Department (Department) can be exempted from the ordinance and public hearing requirements of [Sections 4-9-120 and 4-9-130\(6\), CODE OF LAWS OF SOUTH CAROLINA](#), 1976, as amended, by virtue of a Charleston County Council resolution, my opinion is that it cannot. Those requirements are prescribed by the general law and neither a county ordinance nor a resolution can derogate therefrom. See, [Central Realty Corp. v. Allison](#), 218 S.C. 435, 63 S.E.2d 153 (1951); 6 McQUILLIN MUNICIPAL CORPORATIONS § 21.30 (1969 rev.vol.). I would further advise you, however, that I know of no State law that would infringe upon the exercise of the County's complete discretion (acting through the Department) in choosing buyers and sellers of real property so long as the transaction is otherwise fair. If there is no County ordinance that requires the County to accept the highest bid in the sale of its real property, and my understanding is that no such ordinance exists, then I think that the County is free to sell its property as it sees fit notwithstanding the fact that it may not select the buyer who offers the highest bid.

With kind regards,

Karen LeCraft Henderson
Senior Assistant Attorney General

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