

1979 WL 42854 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

March 8, 1979

*1 Leo H. Hill, Esquire
Attorney at Law
100 Williams Street
Greenville, SC 29601

Dear Mr. Hill:

Pursuant to your oral request, I have reviewed the material and the letter from the firm of Sinkler, Gibbs & Simons concerning who has the power to designate sites and locations for sewage treatment facilities within Greenville County and the necessity of a referendum before Greenville County can become involved in the operation of a sewer system. I agree with you that the conclusions reached in the February 27, 1979, letter from the Sinkler, Gibbs & Simons firm, a copy of which is attached to this letter, are correct.

The legislative authority for the Western Carolina Regional Sewer Authority (originally the Greater Greenville Sewer District) has been amended several times; but consistently, the legislature has authorized the Authority to do anything necessary to carry out the provisions and mandates of the Act. In Section 1 of Act No. 408 of 1941 (1941 (42) 980) it is stated that the Authority . . . shall have and exercise any and all of the following powers: To construct, establish, enlarge, and maintain, conduct and operate sewer lines and sewer mains . . . to acquire, purchase, lease and sell such easements and personal or mixed property . . . to make any and all contracts, and to do any and all other things they may deem necessary to carry out the provisions of this Act . . . and generally to do all things necessary for the purpose of creating, maintaining, and operating a water and sewer system . . . in said District, adequate for the protection of health property and the comfort of the inhabitants thereof, and for the establishment of proper sanitary conditions as far as they pertain to operation of water and sewer systems.

Additionally, [Section 4-9-80 of the South Carolina Code of Laws, 1976](#), states that the provision of home rule . . . shall not be construed to devolve any additional powers upon county council with regard to public service districts, special purpose districts, water and sewer authorities, or other political subdivisions by whatever name designated . . . and such political subdivisions shall continue to perform their statutory functions prescribed in laws creating such districts or authorities . . .

Therefore, it would appear from the quoted legislation that selecting sites and locations would be within the purview of the authority itself and not the county.

Additionally, [Article VIII, Section 16 of the South Carolina Constitution](#), requires a referendum vote in any county before that county becomes involved in the operation of a sewer system.

Very truly yours,

Treva G. Ashworth
Senior Assistant Attorney General

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