

1980 WL 120874 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

September 16, 1980

*1 Gerald C. Smoak, Esquire
Colleton County Attorney
Post Office Drawer 581
Walterboro, South Carolina 29488

Dear Mr. Smoak:

In response to your request concerning the proposed ordinance as to the Colleton County Hospital Board of Trustees, I am enclosing a copy of an opinion which I am today sending to Wayne Unger, Esquire. That opinion answers two of your questions and with respect to the other two, I can advise you as follows:

1. The ordinance appears to be constitutional. If it were construed as creating by ordinance an autonomous body independent of the Colleton County Council, there would be a question as to its validity inasmuch as a county council cannot create an entity that is entirely independent of its control. But because the proposed ordinance seeks to affirm or readopt the 1943 legislation, I do not think there is a problem in this regard.

2. The language 'full autonomy in the establishment, operation and/or maintenance of any and all hospitals in Colleton County' means to me that the Board will be in charge of the county hospital(s) and that the Colleton County Council's control will be limited to its funding authority.

With kind regards,

Karen LeCraft Henderson
Senior Assistant Attorney General

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