

1977 WL 37225 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

January 20, 1977

\*1 Glen S. Baldwin  
Assistant County Attorney  
Suite 400  
First Federal Bldg.  
301 College Street  
Greenville, South Carolina 29601

Dear Mr. Baldwin:

Your letter to Attorney General McLeod concerning the authority of the Supervisor of Greenville County to determine whether a road has attained the legal status of a public road has been referred to me for handling.

It is the opinion of this office that recent 'home rule' legislation is dispositive of the question. Pursuant to Code of Laws of South Carolina § 14-3701 Greenville County has adopted the Council-Manager form of government prescribed in Article 2 of Act No. 283 of 1975. That form of government makes no provision for the office of Supervisor. It is our interpretation of the legislation that any duties or power once held by the Supervisor now rests in the hands of County Council. As it appears from your letter that the office itself still exists in Greenville County, any functions exercised by the holder of that office should be subject to the control of County Council. Certainly in the situation which you posed in your letter, it would be the duty of Greenville County Council to decide whether the Supervisor may make the determination as to whether a road has attained the legal status of a public road.

Yours very truly,

Marvin C. Jones  
Assistant Attorney General

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