

1977 WL 37251 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

February 28, 1977

*1 Mr. Bruce E. Davis
Attorney at Law
1215 Lyttleton Street
Camden, South Carolina 29020

Dear Bruce:

Thank you for your letter of February 21 inquiring if a dissolution provision wherein the assets of a non-profit corporation would be divided and distributed on a pro rata basis to the South Carolina Public School Districts would alter the opinion previously given by me to the Aiken County Legislative Delegation February 1, 1977.

While I think that such a provision would remove a fatal flaw, I am not thoroughly convinced that this would remove all questions. There remains the problem of whether the authority given to the School Board 'to manage and control the school district,' as well as other similarly phrased authority, would authorize the participation toward the construction of a building by the school district. The basic function of the Board, as indicated in my opinion of February 1, is to operate the public schools of the school district, and participation in the construction of a building as contemplated seems to clearly run against the cases set forth on page 3 of that opinion.

With best wishes,
Cordially,

Daniel R. McLeod
Attorney General

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