

1977 WL 37342 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

May 18, 1977

*1 The Honorable Steve Moskos
Commissioner of Public Works
359 Canterbury Road
West Parkwood Estates
Charleston, South Carolina 29407

Dear Mr. Moskos:

You have requested an opinion from this Office as to various aspects of your position as a Commissioner of Public Works for the City of Charleston. I shall respond to them in the order in which they were posed:

1. The statutory obligations, duties, responsibilities and powers of commissioners of public works are set forth in Sections 59.171 through 59.185, CODE OF LAWS OF SOUTH CAROLINA, 1962, as amended (Cum. Supp.), a copy of which is attached hereto for your convenience. These duties have not been changed by the provisions of Act No. 283 of 1975, the 'home rule' legislation. See, 59 STAT. 692, Part II, Section 7 at 742 (1975).

2. You need to contact the State Ethics Commission as far as any forms required to be filed by you with that agency; its mailing address is: Post Office Box 11627, Columbia, South Carolina 29211. You also need to contact the Office of Secretary of State as far as any forms required to be filed by you with that agency; its mailing address is: Post Office Box 11350, Columbia, South Carolina 29211.

3. See response in paragraph no. 2 hereinabove.

4. There is no statutory authorization of which I am aware that allows cash contributions by the Commissioners of Public Works to the City of Charleston. In the absence of such express or necessarily implied authority, my opinion is that the commissioners cannot make such contributions. See, 81 CJS States § 58 at 977-8, 1967 Ops. Atty. Gen. No. 2213 at 7.

With kind regards,

Karen LeCraft Henderson
Assistant Attorney General

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