

1977 WL 37449 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

October 24, 1977

*1 Mr. Robert G. Salisbury
Superintendent
Beaufort County Schools
Drawer 350
Beaufort, South Carolina 29902

Dear Mr. Salisbury:

You have requested an opinion on the question whether a Beaufort County ordinance prohibiting smoking in public meeting rooms in all county buildings applies to Beaufort County schools. It is my opinion that, in most cases, this ordinance would not apply to the county schools.

By your statement, the ordinance applies only to county buildings. In South Carolina most public school property is owned by the respective school districts. See Section 59-17-10, CODE OF LAWS OF SOUTH CAROLINA. School districts are distinct corporate entities which are separate from the counties. Id. Therefore public school buildings owned by the school district would not be county buildings.

Furthermore, the school boards of trustees are given general supervisory powers over school property. Id. Section 59-19-90. For these reasons, I believe that the county ordinance would not apply to public school buildings owned by the school district. As to the powers of county councils in general vis a vis school matters, I call your attention to Section 4-9-70, CODE OF LAWS OF SOUTH CAROLINA, 1976.

With kind regards,

Karen LeCraft Henderson
Assistant Attorney General

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