

1979 WL 43125 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

October 23, 1979

*1 Ms. Betty Lou Hanna
Clerk to Council
Berkeley County Council
Post Office Box 1001
Moncks Corner, South Carolina 29461

Dear Ms. Hanna:

In response to your request concerning a resolution proposed by the Berkeley County Council declaring its policy that no County owned equipment nor County personnel is to be used for private or personal use and that evidence of such use will result in a request for a criminal investigation to be conducted, my opinion is that the proposed resolution is an authorized one. Resolutions, as opposed to ordinances, can properly be used for non-legislative actions and are: . . . simply an expression of opinion or mind concerning some particular item of business coming within the legislative body's official cognizance, . . . 5 McQUILLIN MUNICIPAL CORPORATIONS §§ 15.02 at 44 (1969 Revised).

As far as acting as a constraint upon County officials and employees, inasmuch as the practices designated as improper by the resolution are, in the opinion of this Office, illegal under State law, the resolution would place no further constraint upon County personnel. It would, however, act to additionally put them on notice as to the prohibited nature of such practices.

With kind regards,

Karen LeCraft Henderson
Senior Assistant Attorney General

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