

1978 WL 34854 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

April 13, 1978

*1 Mr. George M. Stuckey, Jr.
Lee County Attorney
Post Office Box 206
Bishopville, South Carolina 29010

Dear George:

With apologies for the delay in responding, I think that a public school teacher can serve on the Lee County Council if, as I understand it, the Council has no authority in school matters other than the levy of school taxes and the approval of the school budget. In 1952, the Lee County Board of Education was granted the power to '[a]dopt budgets and budgetary controls and set tax levies' [47 STAT. Act No. 843 at 2083 (1952)]; apparently, however, that authority was impliedly repealed in 1968 when the first Lee County Council was created and given the power to 'levy taxes and make appropriations for . . . school purposes' [55 STAT. Act No. 1363 at 3156 (1968)]. If the Council's authority with respect to school matters is limited to the levy of taxes and the approval of the school budget (and my research indicates that its authority is so limited), then a school teacher can serve as a Council member. Nevertheless, he should refrain from voting on or otherwise participating in Council action taken with respect to school matters as the enclosed opinions from the State Ethics Commission advise.

With kind regards,

Karen LeCraft Henderson
Senior Assistant Attorney General

1978 WL 34854 (S.C.A.G.)

End of Document

© 2017 Thomson Reuters. No claim to original U.S. Government Works.