

1978 WL 34915 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

May 17, 1978

***1** The Honorable Johnny Mack Brown
Greenville County Sheriff
4 McGee Street
Greenville, South Carolina 29601

Dear Sheriff Brown:

In response to your inquiries concerning the feasibility of Contract Law Enforcement Services, I would advise you as follows:

1. There are currently no state statutes which would prevent the Greenville County Sheriff's Department from offering Contract Law Enforcement services to municipalities within Greenville County. Both counties and incorporated municipalities have the ability to contract, a power given them by [sections 4-9-30\(3\) and 5-7-60 of the CODE OF LAWS OF SOUTH CAROLINA](#), 1976, respectively. [Section 5-7-110, CODE OF LAWS OF SOUTH CAROLINA](#), 1976, grants a municipality the power to appoint as many police officers as are necessary for the proper law enforcement of the municipality. The ability of political subdivisions to enter into an agreement for the joint administration, responsibility and sharing of the costs of services with other political subdivisions is granted by [Article VIII, Section 13, of the SOUTH CAROLINA CONSTITUTION](#), and [section 6-1-20, CODE OF LAWS OF SOUTH CAROLINA](#), 1976. I believe reading these above sections in conjunction enables an incorporated municipality to enter into a contractual arrangement with a county to provide law enforcement services to the municipality.

A word of caution is recommended, however; if the contractual arrangement results in appropriations by the county (e.g. for more cars, equipment, or officers to satisfy the increased amount of services) and the appropriation would result in reorganization or restructuring of the sheriff's department, then a referendum must be conducted to allow the qualified electors of the county to approve or disapprove the appropriation. See [section 4-9-30\(5\), CODE OF LAWS OF SOUTH CAROLINA](#), 1976.

2. There are currently no state statutes which would preclude a municipality from making an appropriation in its budget for payment of law enforcement services to the County General Fund with later disbursement to the Sheriff's Department.

3. Enabling legislation would be necessary in order for the municipality to pay the same funds directly into the Sheriff's Department County budget account. It is clear that a county treasurer is to receive, maintain and disburse all county funds. [Section 12-45-260, CODE OF LAWS OF SOUTH CAROLINA](#), 1976, requires him to report on the first day of each month to the county supervisor 'the amount of funds collected for and on account of the county and the character of such funds.' I believe it is necessarily implied from the statutorily imposed duties of the county treasurer that he has the sole authority to receive, keep, and disburse county funds. In the absence of any legislation authorizing him to delegate any or all of those duties to another public official, he cannot validly do so. See generally, [Bank of Johnston, et al. v. Price, County Treasurer](#), 136 S.C. 439, 134 S.E. 387 (1926).

With kind regards,

***2** Karen LeCraft Henderson
Senior Assistant Attorney General

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