

1978 S.C. Op. Atty. Gen. 193 (S.C.A.G.), 1978 S.C. Op. Atty. Gen. No. 78-163, 1978 WL 22631

Office of the Attorney General

State of South Carolina

Opinion No. 78-163

September 30, 1978

***1 SUBJECT: School Finance**

School funds of the Calhoun County School District must be deposited with the Office of the Treasurer for Calhoun County who may retain or invest said funds in accordance with [§ 12-45-220, Code of Laws of South Carolina](#), 1976, but the school district is entitled to information concerning investment of such funds.

TO: Attorney

Calhoun County Public Schools

QUESTIONS:

- (1) Must funds of the Calhoun County School District be deposited with the Office of the County Treasurer for County Calhoun?
- (2) Does the County Treasurer for Calhoun County have the authority to invest funds on deposit in his Office from the Calhoun County School District?
- (3) Is the Calhoun County School District entitled to access to pertinent information concerning the investment of school funds by the Office of the Calhoun County Treasurer?

STATUTES AND CASES:

Act No. 1031, Acts and Joint Resolutions, South Carolina, 1974; [§ 12-45-220, Code of Laws of South Carolina](#), 1976; [University of South Carolina v. Elliott](#), 248 S.C. 218, 149 S.E. 2d 433 (1966); Unpublished opinion of Attorney General, dated November 18, 1970.

DISCUSSION:

You have posed several questions concerning the fiscal responsibilities of the Calhoun County Treasurer, vis-a-vis those of the Calhoun County School Board as set forth above. The Calhoun County School District was created by Act No. 1031, Acts and Joint Resolutions of South Carolina, 1974. § 1 of the aforementioned Act contains the following provisions:

Section 21-1557. All funds in the hands of the County Treasurer arising from tax levies on the property in the district shall be placed to the credit of the district.

Section 21-1558. The District shall be the unit for financing and receiving local, state, and federal funds. The Board shall be charged with the responsibility of the expenditure and accounting of the funds in the hands of the Board.

Section 21-1559. All school funds of the County shall be deposited in the Office of the Treasurer of the County to the credit of the district and withdrawn only upon warrants issued by the Board.

§ 21-1559, contained in Act No. 1031, expressly states that all funds of Calhoun County School District shall be deposited with the Office of Calhoun County Treasurer. This Section follows § 21-1558, in the same Act which states that the District shall be the unit for financing and receiving local, state and federal funds. The general term 'funds' in § 21-1559, apparently, encompasses those funds enumerated in § 21-1558.

§ 12-45-220, Code of Laws of South Carolina, 1976, controls the investment by the County Treasurer of money in the possession of his Office which is not necessary to meet County expenses. The statute further enumerates with particularity the securities or investments which may be made by the County Treasurer. The terms of § 12-45-220 are not restricted to investment of funds in the hands of County Treasurer which are owned by the County. Investment of school funds on deposit with the County Treasurer appears to be discretionary with the Treasurer so long as such investments meet the conditions specified in § 12-45-220.

*2 There is no question that Calhoun County School District funds on deposit with the County Treasurer remain funds of the Calhoun County School District along with any interest accruing to said School District's funds. [University of South Carolina v. Elliott, S.C., 149 S.E.2d 433 \(1966\)](#), and unpublished opinion of Attorney General, dated November 18, 1970. Calhoun County School District, or any interested citizen of Calhoun County, has a right to access to the files of the Calhoun County Treasurer regarding the deposit and investment of said school funds with the County Treasurer's Office. Calhoun County School District is entitled to this access to information not only by virtue of being the owner of the funds in question, but the school district would be entitled to such information pursuant to the South Carolina Freedom of Information Act, § 30-3-10, *et seq.*, Code of Laws of South Carolina, 1976, as amended.

CONCLUSION:

Based upon the foregoing citations and discussion, the funds of the Calhoun County School District must be deposited with the Office of the Treasurer for Calhoun County. The Calhoun County Treasurer may deposit such school funds at his discretion in certain specified securities or investments. Finally, the Calhoun County School District is entitled to access to records of the Calhoun County Treasurer concerning the investment of school funds on deposit with the County Treasurer's Office.

Paul S. League
Assistant Attorney General

1978 S.C. Op. Atty. Gen. 193 (S.C.A.G.), 1978 S.C. Op. Atty. Gen. No. 78-163, 1978 WL 22631