

1975 WL 29404 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

January 22, 1975

***1 Re: No. 47—Counties**

Honorable Paul Grant
Sheriff
Aiken County
Sheriff's Department
Aiken, South Carolina

Dear Sheriff Grant:

You have requested that we advise you as to whether or not the Board of Commissioners of Aiken County possesses the authority to specify the manner in which funds, appropriated to the Sheriff's Department in Aiken County shall be spent.

Act No. 1497 of 1972, which amends Act No. 1152 of that year, prescribes with respect to the powers and duties of the Board of Commissioners the following:

To supervise and regulate the various departments of the county, except that the duties and functions now provided by law for all of the elected offices of the county, except as otherwise provided herein, and including the Family Court and Judge, Master, Auditor, Treasurer, Clerk of Court, Sheriff, Probato Judge, Magistrates, Tax Collector and Coroner, shall not be altered, and the power of such officers to designate the duties of personnel made available to them shall not be infringed. See, 57 STAT. Act No. 1497 at 2742 and Act No. 1978 at 2249 (1972).

Clearly, therefore, the Board of Commissioners does not have the power to specify the manner in which funds appropriated by it to that Department shall be spent. The power to determine the manner in which funds appropriated to the Sheriff's Department was a power, duty and function which the Department possessed prior to the establishment of the Board of Commissioners; as such, that power, duty and function may not be altered by the Board. Cf., Letter from Attorney General Daniel R. McLeod to Representative Clyde F. Strom, February 18, 1970; see and compare, Letter from Representative Irene K. Rudnick to Sheriff Paul Grant dated January 17, 1975; Letter from Assistant Attorney General M. Elizabeth Crum to Sheriff Paul Grant, May 20, 1974. Moreover, had it been the intent of the General Assembly to confer upon the Board the power to designate how funds appropriated to the Sheriff's Department are to be used, it would have expressly conferred that power upon the Board.

Kindest personal regards,

C. Tolbert Goolsby, Jr.
Assistant Attorney General

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