

1975 WL 28836 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

January 24, 1975

\*1 Honorable Paul D. Grant  
Sheriff  
Aiken County  
Aiken, South Carolina

OPINION:

I regret the delay in writing you concerning your inquiry which you recently made in connection with the authority of the Sheriff to purchase uniforms or accouterments. A letter was previously forwarded to a Member of the House of Representatives of Aiken County upon the same topic and I am reciting its provisions herewith below. I find no changes in the governing statutes and this conclusion represents our up-to-date review of the matter.

The provisions of Act No. 580, approved July 22, 1969, constitute the Appropriations Act for Aiken County for the fiscal year beginning July, 1969 (69 Acts 970). Item 7 pertaining to the office of Sheriff provides, in part:

'Uniforms—32 Deputies

and Jailers—\$225.00 each \$7,200.00'

You have inquired as to whether uniforms for which appropriations are made, as above set forth, are to be purchased by the Supervisor for Aiken County or whether they may be purchased by the Sheriff of Aiken County.

Section 14-760, Code of Laws, 1962, provides, in part, with respect to the office of Supervisor:

'He shall also have and exercise the sole power to purchase all gasoline, oils and supplies of whatever kind are necessary to be purchased for the use of the county and maintenance of its properties, shall be the custodian of all the supplies and property so purchased and as well of all property and supplies now owned by the county, and he shall be accountable and responsible for the disposition and use thereof.'

The foregoing statutory provision must be considered in conjunction with other statutes. Section 14-781.1 provides for the submission to the supervisor of bills or claims against the county for supplies purchased or services rendered, and requires that:

'—no vouchers shall be issued for them unless such bills or claims are properly itemized, showing the supplies or article purchased and by whom—.'

Of significance also are the provisions of Section 14-787, which provides, in part:

'On or before the 5th day of each calendar month, the head of each department, board or commission which received an appropriation in the annual Appropriations Act shall submit to the supervisor a report of all expenditures by that department, board or commission during the preceding calendar month—.'

These appear to be the only statutory provisions precisely touching upon the issue. They reveal that the supervisor is given sole power to purchase gasoline, oils and supplies and that he shall be the custodian of such supplies and accountable and responsible for their disposition and use. This grant of authority would appear to be limited to supplies which are purchased 'for the use of the county and maintenance of its properties.' The supplies referred to would appear to be those supplies which are used in the operation of county functions which are under the direct charge of the supervisor, such as the county shops and the county office, and would include also supplies for the upkeep and maintenance of county roads and bridges and other county operations which are not directly under a specific department such as that of sheriff. As to these departments, Section 14-787 seems to recognize that these departments have received annual appropriation in the county supply act, and the fact that this statute requires that they submit to the supervisor a report of their expenditures monthly would seem to constitute a recognition that they have authority to make expenditures within the limits of their appropriation. The supervisor is required to see, however, that not more than 1/12 of their appropriation is expended monthly.

\*2 The provisions of Section 14-781.1 seem to recognize also that expenditures for supplies may be made by the individual departments as that statute requires that it be demonstrated to the supervisor by whom the purchases have been made. If the supervisor were required to make the purchases, there would be no reason for the statutory requirement that the name of the purchaser be stated.

My conclusion is that the individual departments to whom appropriations have been made for supplies have the authority to purchase such supplies themselves. The provisions of Section 14-760, relating to the office of supervisor and vesting him with sole power to purchase all gasoline, oils and supplies, and requiring that the supervisor shall be accountable and responsible for the disposition and use of such supplies, is construed to mean the purchase of supplies for agencies directly under the supervision and charge of the supervisor or the Board of Commissioners.

Daniel R. McLeod  
Attorney General

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