

1975 WL 28834 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

February 17, 1975

\*1 Mr. Larry J. Lassiter  
Cherokee County Administrator  
Cherokee County Board of Commissioners  
P.O. Box 866  
Gaffney, South Carolina 29340

Dear Mr. Lassiter:

Your letter of February 5, 1975, has been referred to me for reply.

Section 14-11 of the 1962 Code of Laws of South Carolina (as amended) provides that the governing body of each county shall furnish the master in equity office room which shall be kept at the courthouse. It should be noted that with respect to this Section there is an exception in that the provisions concerning office space shall not apply to Richland County. Thus, without such an amendment relating to Cherokee County specifically, the master in equity's office would be required to be in the courthouse itself.

If the County issues industrial bonds for construction of a plant, it is not financially obligated for repayment. Act # 103 of 1967 states that:

Bonds and interest coupons issued under authority of this act shall never constitute an indebtedness of such county within the meaning of any state constitutional provision or statutory limitation and shall never constitute nor give rise to a pecuniary liability of the county or a charge against its general credit or taxing powers, and such fact shall be plainly stated on the face of each bond.

With reference to any bonds issued prior to the commencement of your position, you should contact the county attorney as he should have this information.

Section 15-411.2 of the 1962 Code provides that the Deputy Probate Judge in Cherokee County has the powers of the Probate Judge and as such he can function as the Associate Probate Judge for purposes of the new mental health commitment law.

Under Act # 1063 of 1974, the county governing body can provide by ordinance or resolution that the county shall engage in ambulance service. The Act further provides that such services can be accomplished either by use of county employees and equipment or by contract with private agencies or municipalities of the county.

The 1938 Appropriations Bill of South Carolina provides that:

... [T]he governing authorities of each county shall provide suitable office quarters for its County Department of Public Welfare [now Department of Social Services], and that no rent for quarters for the County Departments of Public Welfare in the various counties shall be paid from any of the funds herein appropriated.

In addition, Bulletin # 68 of the S.C. Department of Public Welfare, May 18, 1938, states the provisions should be made by the counties to provide electric and office space without cost to the County Department. Thus, the County would

be legally obligated to provide the County Department of Social Services with office space and expenses as there are no state appropriations for these items.

With reference to passage of ordinances concerning the levying of taxes and the operating and capital budgets, these functions have been under the direction of the General Assembly prior to the passage of the Home Rule legislation and should continue to be under its direction. It is the intention and purpose of the Home Rule legislation that the counties retain the same powers they had prior to March, 1973 and thus operate as they had before the passage of the legislation. Since the General Assembly has passed statutes relating to the appropriations and levying taxes in Cherokee County prior to March, 1973, the Cherokee County Board of Commissioners would not have the power to pass ordinances concerning these matters.

\*2 I trust this is sufficient to answer the questions posed in your letter. If this Office can be of any further assistance, please do not hesitate to contact us.

Sincerely yours,

H. Michael Bowers  
Law Clerk

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