

1975 WL 29539 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

February 26, 1975

*1 Mr. Neal Kirby
County Supervisor
Union County Courthouse
Union, South Carolina 29379

Dear Mr. Kirby:

Mr. Bruce White has requested an opinion from this office as to whether or not the Governing Board of Union County may legally sell topsoil to private contractors and other individuals if it charges a sufficient amount to cover all costs involved, plus a reasonable profit per load.

The law is clearly established that political subdivisions possess only those powers that either are expressly granted to them or are necessarily implied from an express grant of power. 81 C.J.S. States § 58 at 977-8; 1967 OP.ATTY.GEN. No. 2213 at 7. The powers and duties of the Union County Governing Board are set forth in Sections 14-3464 through 14-3468 of the South Carolina Code of Laws, 1962. Nowhere in that legislation is there any language either expressly or impliedly granting to the Board the authority to sell topsoil to private contractors or individuals.

In the absence of such a grant of power, therefore, the opinion of this office is that the Union County Governing Board cannot lawfully sell topsoil to private contractors or other individuals.

With kind regards,

Karen LeCraft Henderson
Assistant Attorney General

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