

1975 WL 29561 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

March 4, 1975

*1 The Honorable Irene K. Rudnick
Member
House of Representatives
Box 544
Aiken, South Carolina 29801

Dear Mrs. Rudnick:

Thank you for your letter of February 26, 1975, inquiring as follows:

'I have had numerous constituents ask me the duties of a County Attorney to residents of a particular county. Can a citizen request a County Attorney's opinion concerning county matters? Are the County Attorney's duties limited to requests of the County Commissioners?'

I advise that the County Attorneys' duties do not appear to be set forth by statute. A former statute, since repealed, authorized the employment of an attorney and designated his duties, but there appears to be no such specific statute at the present time. The former Act, Section 14-763, authorized the governing body of the County to employ an attorney to 'advise at all times when called upon and—represent said County in all suits affecting it.' That statute was repealed by the statute enacted in 1972 establishing a form of government for Aiken County similar to that existing in perhaps one-half or more of the counties of the State.

The broad powers given to the Board of Commissioners in 1972, including the power to establish and staff positions and otherwise provide for the governance of County affairs, undoubtedly vests in the Commissioners the authority to employ a County Attorney and, in my opinion, the duties to be imposed upon the County Attorney are those which are prescribed by the Board of Commissioners.

I therefore advise that, in my opinion, the duties of the County Attorney are those which are prescribed by the Board of Commissioners. I am not advised as to what action the Board of Commissioners may have taken in this regard.

With best wishes,
Very truly yours,

Daniel R. McLeod
Attorney General

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