

1975 WL 29621 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

March 25, 1975

*1 Mr. Joseph H. Earle, Jr.
Attorney at Law
301 College Street
Greenville, South Carolina 29601

Dear Mr. Earle:

You have requested an opinion from this office as to the legality of the Greenville County Council authorizing the expenditure of general tax funds for use by the Joint Transit Authority comprised of the City and the County of Greenville.

As you have related, the Authority was created pursuant to Act No. 417 of 1973 of the General Assembly. That Act is silent as to the power of any participating county or municipality to contribute public funds for the support of such an authority.

Article 8, Section 13 of the South Carolina Constitution, however, provides in part:

Any county, incorporated municipality, or other political subdivision may agree with the State or with any other political subdivision for the joint administration of any function and exercise of powers and the sharing of the costs thereof. [Emphasis added.]

One intent of the drafters of that provision was to provide constitutional recognition of the expanding role of government at the local level and the concomitant need for joint financial efforts by counties, municipalities and other governing entities with specialized areas of concern. Sec. Final Report of the Committee to Make a Study of the South Carolina Constitution of 1895 (1969), Comment to Section H at 91. Moreover, the strictures formerly imposed by judicial interpretation of Article X, Section 6 of the South Carolina Constitution may well have been removed in light of the State Supreme Court's language in [Knight v. Salisbury](#), 262 S.C. 565, 206 S.E.2d 875 (1974).

Our opinion, is, therefore, that the Greenville County Council may legally authorize the expenditure of funds for use by the Joint Greenville City and County Transit Authority. We would further advise the County Council, in drafting any resolution authorizing such an expenditure, to articulate that the Council recognizes and agrees that the Joint Transit Authority performs the functions that it does perform and that the County is agreeing to share the costs thereof.

With kind regards,

Karen Lecraft Henderson
Assistant Attorney General

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