

1975 WL 28876 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

June 2, 1975

*1 Mr. Thomas O. Lawton, Jr.
Messrs. Lawton & Myrick
Attorneys at Law
Post Office Box 646
Allendale, South Carolina 29810

Dear Mr. Lawton:

This is in reply to your letter of May 30 in which you have asked the opinion of this Office as to the implementation of 1975 Act R-197. The question posed is whether the County Board of Allendale County is authorized to co-sign a not with the Allendale County Treasurer in order to evidence the debt allowed under the Act.

Section 1 of R-197 authorizes the Board of Education of Allendale County to borrow not more than seventy-five thousand dollars for operational expenses of the County School system. The provision in question reads: 'The amount borrowed shall be evidenced by a note to be executed by the superintendent of education and the treasurer of the county.'

The problem stems from the legislation abolishing the office of the superintendent of education. Section 21-1109.1, 1962 Code of Laws, as amended (1974 Acts 2278). Section 2 of that Act reads: 'Effective July 1, 1974, the office of county superintendent of education in Allendale County is abolished and the duties of that office are devolved upon the county board of education.'

The duties of the superintendent of education are now transferred to the County Board of Education. This being the case, the authorities and powers of that now defunct office may be exercised by the Board. One of these powers is the authority to execute the note contemplated by Act No. 197 in conjunction with the County Treasurer.

Therefore, it is the opinion of this Office that the Board of Education operating through its ordinary procedures may execute the note evidencing the debt allowed by the 1975 Act.

Very truly yours,

Daniel R. McLeod
Attorney General

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