

1975 WL 29037 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

July 29, 1975

*1 Representative Irene K. Rudnick
P. O. Box 544
Aiken, South Carolina 29801

Dear Representative Rudnick:

You have requested an opinion as to the legality of the Aiken County Board of Commissioners' appropriation of general county funds in the amount of thirty thousand (\$30,000.00) dollars to the North Augusta Chamber of Commerce for the promotion of industry.

Enclosed herewith is a copy of an earlier opinion concluding that a similar appropriation by Anderson County to the Anderson Chamber of Commerce would be unconstitutional. In addition to the authorities cited in that opinion, I call your attention to the recent South Carolina Supreme Court decision in Anderson v. Baehr (Opinion No. 20068, filed July 21, 1975), a copy of which opinion is also enclosed, holding that the 1974 Act authorizing all incorporated municipalities in South Carolina to contract with private persons and organizations for the construction, maintenance and operation of buildings or other facilities on any real estate acquired by the municipality through the issuance of revenue bonds after a determination that the acquisition is necessary in connection with slum clearance or redevelopment work violates Article X, Section 6 of the State Constitution in that it:

... permits the city to join hands with a developer and undertake projects which would be primarily to the benefit of the developer, with no assurance of more than negligible advantage to the general public. Slip Op. at 5.

In light of the foregoing authority, as well as those outlined in the enclosed opinion, the opinion of this office is that an appropriation of general county funds by the Aiken County Board of Commissioners to the North Augusta Chamber of Commerce would be violative of Article X, Section 6 of the State Constitution. In view of this opinion, it is not necessary to reach your question relating to the required number of readings of the proposed ordinance authorizing such an appropriation and, therefore, we do not express an opinion on that matter.

With kind regards,

Karen LeCraft Henderson
Assistant Attorney General

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