

1975 WL 29285 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

September 22, 1975

**\*1 Re: County Bond Issues**

William F. Able, Esquire  
County Attorney  
700 Security Federal Building  
Columbia, SC 29201

Dear Mr. Able:

Mrs. Henderson has referred to me your letter of August 29, 1975, dealing with county bond issues. The question presented is whether or not County Council can issue a county-wide bond issue to correct the eight or ten most serious drainage problems in the county.

Of course, the County Bond Act, Sections 14-511 et seq., provides for the basic procedures surrounding the issuance of bonds, including elections. The only constitutional prerequisites for a bond issue are that it be for an 'authorized purpose' and that it be for an amount not exceeding the applicable constitutional debt limit. Article 10, Section 6 lists the building and repairing of county roads and 'ordinary county purposes' among the purposes for which county bonds are authorized.

It is the opinion of this Office that drainage correction would fit within either or both of these purposes. The debt limit is fixed by Article 10, Section 5[9] at no more than eight percent of the assessed value of all the taxable property therein. When the county-bond indebtedness is combined with other indebtedness on the same property (e.g., municipal or special purpose district bonds), the combined indebtedness may not exceed fifteen percent of the assessed value of the property. County Council will be able to determine whether the proposed bond issue will fall within these limits.

If the above prerequisites are met, there is nothing in the Home Rule Act to cause Council to postpone action until after July 1, 1976. Section 3 of the Act expressly provides for continuity of county governments even after July 1, 1976, and until the newly-chosen form of government is implemented.

Sincerely yours,

Kenneth P. Woodington  
Assistant Attorney General

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