

1974 WL 28056 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

May 28, 1974

*1 Honorable E. P. Riley
County Attorney
Greenville County
Post Office Box 10084, F.S.
Greenville, South Carolina 29603

Dear Ted:

Thank you for your letter of May 24, 1974, requesting the opinion of this Office as to whether the County may make an appropriation to the Greenville County Council for Community Actions, Inc., a private, non-profit eleemosynary corporation empowered to undertake the following purposes:

'To seek improvement of the quality and adequacy of social and healthy services in Greenville County and to better the relationship of those services to the County's needs, by co-operative planning of social work, and by the development of better public understanding of social problems.'

It is my opinion that an appropriation of County funds for these purposes would not be valid. It does not appear that they come within the scope of the powers granted by the General Assembly to the Greenville County Council and set forth in subsection (e) of Act No. 573 of 1967.

The same considerations apply also to an appropriation to Senior Action, Inc., a non-profit, private corporation recently created by corporate charter and having for its purpose to work with the elderly of the County.

The foregoing conclusions are premised upon the assumption that Article X, Section 6, of the Constitution of this State continues in effect. A case is now pending before the Supreme Court of South Carolina which will decide whether or not that assumption is correct, but until the Supreme Court declares otherwise, it is my opinion that the appropriations referred to by you cannot validly be made with tax derived County funds.

With best wishes,
Very truly yours,

Daniel R. McLeod
Attorney General

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