

1974 WL 27745 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

May 9, 1974

*1 Mr. W. M. Ellen
Treasurer of Lee County
Bishopville, South Carolina 29010

Dear Mr. Ellen:

Thank you for your letter of May 1, 1974, in which you raised various questions concerning a note that you have been requested to sign for monies to be used in completing construction of Bishopville Primary School.

You have asked whether or not you would need a commitment from the State Department of Education stating that there will be adequate funds to pay this obligation. Such a commitment would not be necessary. Section three of R 354 which authorizes this bond expressly states that if the annual grant from the State Board of Education is insufficient to pay the principal and interest on the loan a tax will be levied in order to reduce the bond. Further you would not need a written commitment from the county council stating they will authorize a tax increase if this proves necessary due to an insufficiency in the funds from the State Department of Education. I understand that the authority to set tax millage for the school district rests with the school board up to the amount of 65 mills. Therefore, it would be an exercise of their authority to increase the annual school tax. However, should the power rest with the county council they would be under a duty pursuant to R 354 to authorize such a tax increase. In response to your last question, a more detailed letter from the Lee County Board would not be required.

Sincerely,

Treva Ashworth
Staff Attorney

1974 WL 27745 (S.C.A.G.)

End of Document

© 2019 Thomson Reuters. No claim to original U.S. Government Works.