

1974 WL 27817 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

June 14, 1974

***1 Re: Powers of the Richland County Recreation Commission**

Mr. Michael L. Harlan
Superintendent of Recreation
5819 Shakespeare Road
Columbia, South Carolina 29204

Dear Mr. Harlan:

You have asked for an opinion as to the following:

- (1) Can the Richland County Recreation Commission operate a day care center at one of its public parks;
- (2) Can the Richland County Recreation Commission lease a building located on one of its public parks to an individual to operate a day care center for private capital gain.

The Commission was created by Act No. 673 of 1960 by the General Assembly. Section; of that Act sets forth the powers of the Commission. Under Section; the Commission is empowered inter alia as follows:

- (1) 'To acquire, . . . to establish physical education and recreation facilities including tennis courts, baseball diamonds, football fields, basketball courts, swimming pools, other facilities of like nature and general recreational facilities.'
- (2) To make contracts and to execute instruments that are necessary or convenient for the discharge of the functions of the Commission.'

Based on no. 1 above it is the opinion of this office that the Commission cannot operate a day care center at one of its public parks unless its primary purpose is to establish a recreational facility.

As to no. 2, it is our opinion that the Commission may lease its property if such lease is executed for the necessity or convenience of the Commission in the discharge of its proper functions.

Without more factual information as to the purpose of leasing the building this office cannot make a more definite determination.

If this office can be of further assistance, please contact us.

Sincerely yours,

A. Camden Lewis
Assistant Attorney General

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