

1973 WL 27724 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

October 31, 1973

*1 Mr. T. H. Rawl
County Attorney
Messrs. Rawl, Purcell & Harman
Attorneys at Law
204 E. Main Street
Lexington, South Carolina 29072

Dear Mr. Rawl:

The memorandum from Mr. Roser H. Alderman to you dated October 2, 1973, has been forwarded by you to me, and my views on the questions raised are separately set forth below:

1. Under the auspices of the laws governing regional councils of governments, can the County implement plans and programs developed by such groups pertaining to services such as fire and solid waste?

The County may implement such plans providing it has obtained, or obtains, authority for such implementation from the General Assembly.

2. If the answer to question #1 be 'yes', can these services be financed from general tax revenue?

If authority to implement plans which are approved for such procedures as fire and solid waste disposal have been obtained from the General Assembly, then general tax revenues may be utilized for these purposes.

The reference in the concluding paragraph of Mr. Alderman's memorandum relates to 'the 1895 problem of what is ordinary county purposes.'

The Regional Councils of Governments are an exception from the ordinary county purpose restrictions of the 1895 Constitution in accordance with a constitutional amendment which has been adopted and ratified. The counties may therefore undertake activities which are not authorized by the older restrictions of the 1895 Constitution by utilizing the Regional Councils of Government approach, but it is necessary to obtain authorization from the General Assembly before county funds to implement plans which may be adopted can be expended.

Very truly yours,

Daniel R. McLeod
Attorney General

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