

1972 WL 25496 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

March 16, 1972

***1 Re: County—Recreation Districts**

Honorable Loyd H. Lovelace
Member
House of Representatives
Cherokee County
P. O. Box 71
Gaffney, South Carolina 29370

Dear Mr. Lovelace:

It was a pleasure to meet with you and Representative Medley and discuss with you the Cherokees County Recreation District. You are concerned about the effect of the withdrawal of the Town of Blacksburg from the District under the provisions of Act No. ?? of the 1970 Acts and Joint Resolutions of the General Assembly of South Carolina.

The Act does not make it mandatory that the Town of Blacksburg be a member of the District but only provides in Section 9 that the District may contract with the Town to receive funds in return for services and facilities. The Town may, therefore, refuse to make such a contract but will, of course, not be entitled to any special services or facilities.

This contract provision with the Town is separate from the general fund raising authority of the District which is set forth in Section 5(14) of the Act. Under this Section, since the District is defined in Section 2 of the Act as including the territory of the Town, the District is authorized to tax the property of the Town similarly as the other areas of the District to provide the Districts share of the District budget.

There is neither a provision for the property in the Town of Blacksburg not to be so similarly taxed, nor a provision for the Town to itself receive the funds actually collected from within its territory to set up its own recreation district.

Accordingly, it is my opinion that the failure of the Town of Blacksburg to enter into the contract for services and facilities as provided by Section 9 of the Act does not affect the right of the District of tax the territory of the Town of Blacksburg as provided in Section 5(14) of the Act.

If I can be of any further assistance in this matter, please do not hesitate to contact me.

Very truly yours,

Edwin B. Brading
Assistant Attorney General

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