1981 WL 158148 (S.C.A.G.)

Office of the Attorney General

State of South Carolina
February 17, 1981

***1** Deborah C. Westbrook, Esquire
Assistant County Attorney
Greenville County Courthouse
Greenville, South Carolina 29601

Dear Ms. Westbrook:
In response to your request for an opinion from this Office concerning various aspects of the Greenville County Art Museum Commission (Commission), my opinions are as follows:

1. The Commission enabling legislation [53 STAT. 1031 and 1035 (1963)] and the amendments thereto create, in my opinion, a county board and not the governing body of a special purpose district. Although the legislation provides that a tax is to be levied throughout Greenville County for the purpose of the Museum, the Commission does not establish the millage. Moreover, the Commission does not have the authority to issue general obligation or revenue bonds or to condemn property, both of which are traditional powers of special purpose districts. See, e.g., 47 STAT. 1185 (1951). Accordingly, the provisions of Act No. 283 of 1975, the 'home rule' legislation, empower the Greenville County Council as of January 1, 1980, to enact an ordinance which modifies the special legislation pertaining to the Commission.

2. My opinion is that the Commission employees are Greenville County employees because the Commission itself is a Greenville County board. This being so, I think that the Commission must abide by any personnel policies and regulations promulgated by the Greenville County Council pursuant to Section 4-9-30(7), CODE OF LAWS OF SOUTH CAROLINA, 1976, as amended.

3. When disposing of personal property, the Commission should follow any Greenville County ordinance which prescribes the manner in which county property may be disposed of.

4. The Greenville County Treasurer is the authorized official to invest Commission funds pursuant to Section 12-45-220, CODE OF LAWS OF SOUTH CAROLINA, 1976, as amended, inasmuch as they constitute Greenville County funds.
With kind regards,

Karen LeCraft Henderson
Senior Assistant Attorney General

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