

1981 WL 157860 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

July 10, 1981

\*1 Joseph N. Malphrus, Esquire  
Post Office Drawer M  
Ridgeland, South Carolina 29936

Dear Mr. Malphrus:

You have requested an opinion whether the Jasper County Hospital Commission (hereinafter the Commission) may contract with a hospital management firm and thereby bind Jasper County to pay the contract amount. We have just received a copy of the proposed contract. It is the opinion of this Office that, under the terms of the ordinance creating the Commission, Jasper County would not be obligated to pay any amounts under this contract, and that the obligation would run only to the Commission.

The Jasper County Council created the Jasper County Hospital Commission by ordinance adopted November 6, 1978. The ordinance provides, inter alia, that the Commission shall have charge and general management of the hospital, and furthermore that it shall devise ways and means for securing funds for the support of the hospital. You indicated that the Council has not obligated itself to fund the operation of the hospital, although the Council has appropriated certain sums to the hospital in past years. However, it is under no legal obligation to do so.

The contract being considered by the Commission is an agreement between the Commission and the management firm. Although the Commission is an agency of the County, it has not been given authority either by statute or by ordinance, to bind the county in contract matters. Therefore, the county could not be bound by such a contract, absent ratification of the contract by the Council.  
Sincerely yours,

David C. Eckstrom  
Assistant Attorney General

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