

1979 WL 43156 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

November 6, 1979

*1 Mr. William R. Byars, Jr.
Kershaw County Council
Room 202
Courthouse
Camden, South Carolina 29020

Dear Mr. Byars:

You have requested an opinion from this Office as to whether or not the Kershaw County Council can sell real property without requiring the submission of sealed bids. In my opinion, the Council can do so pursuant to [Sections 4-9-30 and 4-9-130, CODE OF LAWS OF SOUTH CAROLINA](#), 1976.

Act No. 881 of 1966 [54 STAT. 2214 (1966)], which created the Kershaw County Council, granted that council the power to sell real property only by the use of sealed bids. The council which was created by the 1966 legislation has been replaced, however, by the present council established pursuant to Act No. 283 of 1975, the 'home rule' legislation.

[Section 4-9-30 of the 1976 Code](#) contains the general grant to counties of the power to sell real property:

Under each of the alternative forms of government listed in § 4-9-20, except the board of commissioners form provided for in Article II, each county government within the authority granted by the Constitution and subject to the general law of this State shall have the following enumerated powers which shall be exercised by the respective governing bodies thereof: . . .

(2) to acquire real property by purchase or gift; to lease, sell, or otherwise dispose of real and personal property; . . .

The general law of the State does not restrict the sale of real property by counties, except as provided by [Section 4-9-130 of the 1976 Code](#). That Section requires a public hearing upon not less than fifteen days notice before a county council can: . . . sell, lease or contract to sell or lease real property owned by the county . . .

[Section 4-9-130](#) does not, however, require the submission of sealed bids.

With kind regards,

Karen LeCraft Henderson
Senior Assistant Attorney General

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