

1978 WL 34913 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

May 16, 1978

*1 W. E. Jenkinson, III, Esquire
Williamsburg County Attorney
120 West Main Street
Kingstree, South Carolina 29556

Dear Mr. Jenkinson:

In response to your inquiry concerning whether or not Williamsburg County can presently operate pursuant to the provisions of Act No. 283 of 1975, the 'home rule' legislation, with specific regard to the power to adopt a budget and to levy taxes, I think that now that the United States Justice Department has approved Williamsburg County's form of government and method of election and the resolution adopting the council-supervisor form of government has been filed with the Secretary of State, the present Board of Commissioners of Williamsburg County can adopt a budget and levy taxes under the authority of [Sections 4-9-30\(5\) and 4-9-140, CODE OF LAWS OF SOUTH CAROLINA, 1976](#). Nevertheless, because of the pending litigation concerning the question of whether or not Williamsburg County can operate pursuant to the provisions of the 'home rule' act, which litigation, as I understand it, has not yet been finally adjudicated, I would recommend that the Williamsburg County Legislative Delegation ratify the budget as adopted by the Board of Commissioners.

With kind regards,

Karen LeCraft Henderson
Senior Assistant Attorney General

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