

1978 WL 35169 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

October 16, 1978

*1 J. Brantley Phillips, Jr., Esquire
Leatherwood, Walker, Todd and Mann
Greenville Airport Commission Attorney
Post Office Box 2248
Greenville, South Carolina 29602

Mr. C. D. Bishop
Chairman
Donaldson Development Commission
Donaldson Center Industrial Park
Donaldson Road
Greenville, South Carolina 29605

Gentlemen:

You have both requested an opinion from this Office as to whether the Greenville Airport Commission or the Donaldson Development Commission has responsibility for the development and control of the aviation facilities at the Donaldson Center. In my opinion, the Donaldson Commission has that responsibility as hereinafter discussed.

The Greenville Airport Commission was created by Act No. 919 of 1928 [STAT. 1898 (1928)], as amended, and was vested with the authority:

. . . to receive any gifts or donations from any source, and also to hold and enjoy property, both real and personal, in the County of Greenville, . . . , for the purpose of establishing and maintaining airplane landing fields and county parks in the County of Greenville; . . . [Emphasis added.]

This language empowers the Airport Commission merely to establish and maintain those airport facilities which it may from time to time acquire, whether by gift or by condemnation; it does not empower it to take over and maintain all airport facilities in Greenville County. Its power 'to make such rules and regulations as may be necessary in the conduct and operation of said airplane landing fields and county parts' [emphasis added] does not constitute authority to apply any such rules and regulations to airport facilities (or county parks) not owned and operated by the Airport Commission.

On the other hand, the Donaldson Commission was established in 1976 by the joint action of the City and the County of Greenville, expressly 'to control . . . the development of the [Donaldson] Center.' See, Joint Resolution, City Council, Greenville, South Carolina, and County Council, Greenville, South Carolina, dated January 13, 1976, and April 20, 1976, ¶1. The Donaldson Commission is empowered to provide for the 'development of long range development plans' [id., ¶1d] and for the 'management and administration of the Center' [id., ¶2], including the authority to 'make rental and lease agreements for lands and facilities . . . ' [id., ¶2d. To me, it seems clear that the responsibility to develop and control the airport facilities of the Donaldson Center lies with the Donaldson Commission and that the provisions of Act No. 919 of 1928, as amended, do not permit the Greenville Airport Commission to take over that responsibility.

With kind regards,

Karen LeCraft Henderson

Senior Assistant Attorney General

1978 WL 35169 (S.C.A.G.)

End of Document

© 2017 Thomson Reuters. No claim to original U.S. Government Works.